Analysing Muslim Traditions

Studies in Legal, Exegetical and Maghāzī Ḥadīth



BY

HARALD MOTZKI

WITH

NICOLET BOEKHOFF-VAN DER VOORT AND SEAN W. ANTHONY

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PREFACE

The studies collected in this volume have several characteristics in common. First, they all deal with *aḥādīth* in a general sense, i.e., Muslim traditions that report a statement by or the behaviour of the Prophet Muḥammad, his Companions or the following generations of important *tābiʿūn* (Successors). Second, all these studies approach this genre of texts as potential sources for a reconstruction of early Islam, or of some aspects of religious, social and legal thought and practices during the first three centuries A.H. Third, they all focus on the methods that have been or can be applied to date these traditions so that we know for which period of early Islam they can be used as sources. Fourth, the studies in this volume critically examine previous studies, asking whether their premises, methods and conclusions are sound. This revisionist approach is needed to stimulate reflection on and discussion about the applicability of our scholarly methods and the quality of our premises and conclusions. A situation in which different and even contradictory conclusions are accepted or tolerated by the scholarly community without causing any concern is undesirable. Fifth, these studies introduce and test several fresh ideas and methods for the historical analysis of *aḥādīth*. Sixth, with the exception of one study that is available on-line, these studies either have not been published yet or have not been published in English.

The first five studies in this volume have been written by Harald Motzki in the course of the last sixteen years and are ordered chronologically. They have been revised for the English edition with the aim of making their arguments as clear as possible. More recent literature has been added only when it seemed necessary.

The first study, "The Jurisprudence of Ibn Shihāb al-Zuhrī. A Source-Critical Study," was originally published in *Der Islam* 68 (1991) under the title "Der Fiqh des -Zuhrī: die Quellenproblematik." It deals with Joseph Schacht's theory that most of the reports found in Muslim sources and ascribed to scholars of the Successor generations, like Ibn Shihāb al-Zuhrī, are fictitious. Methods are introduced that make it possible to reliably reconstruct the sources of the great early *ḥadīth* collections, i.e., large numbers of texts ascribed to the informants of the collectors. This makes it possible to compare and cross-check the

material ascribed to Zuhrī by some of his most important pupils. This procedure means that we can establish what Zuhrī actually taught his pupils. Among these teachings are also traditions ascribed to earlier authorities such as the older Successors (his teachers) and via them the Companions of the Prophet and the Prophet himself. By comparing Zuhrī's *aḥādīth* with variants transmitted by his peers, the origin of the *aḥādīth* in question can be more precisely defined.

In summer 2000 Professor Sergio Noja Noseda encouraged the translation of this article into English and published a first draft of it in the journal *Taquino-Taqwim* (Rivista del Centro Interdipartimentale di Scienze dell' Islam "Re Abdulaziz" dell' Università Bologna) 1 (2000), 59–116. This first translation, made by Miss Barbara Paoli, was later carefully revised by Mrs. Vivien Reid and in 2001 included among the online publications of the University of Nijmegen (http://webdoc.ubn.kun.nl/mono/m/motzki_h/juriofibs.pdf). Transcription and style of the article have now been adapted to the standard of this volume. A Turkish translation of the German version has been published in Harald Motzki, *Batı'da Hadis Çalışmalarının Tarihi Seyri*, ed. by Bülent Uçar, Istanbul: Hadisevi 2006.

The second study of this volume, "Whither *Ḥadīth* Studies?," was published in *Der Islam* 73 (1996) under the title "*Quo vadis Ḥadīṯ*-Forschung? Eine kritische Untersuchung von G.H.A. Juynboll: 'Nāfiʿ the *mawlā* of Ibn ʿUmar, and his position in Muslim *ḥadīth* literature'." It reviews Juynboll's ideas about Muslim traditions and his methods of *isnād* analysis introduced in his article on Nāfiʿ. Crucial concepts of his methods are discussed, such as 'genuine and seeming common link', 'single strand' and 'dive', and other possibilites of interpretation for these phenomena are proposed. The question as to whether Nāfiʿ was a historical figure is dealt with and Juynboll's *isnād* analysis of a *ḥadīth* of the Prophet allegedly transmitted by Nāfiʿ is examined in order to check whether the conclusions Juynboll draws from his analysis remain tenable if additional sources are invoked and new interpretations of his analytical concepts are taken into account. Finally, this *ḥadīth* of Nāfiʿ is analysed with the *isnād-cum-matn* method and the functioning of this method is explained in detail.

In 1999 a first English translation of this study was made by Dr. Frank Griffel for a book prepared by Dr. Paul Hardy. The latter substantially revised the first translation in 2002. Unfortunately Hardy's book project was not realised and the English translation remained in the drawer although several people asked for it. The discussion of the

text with my students produced some additional corrections. A Turkish translation of the German version has been published by Bülent Uçar in the book mentioned above.

The third study collected in this volume, "The Prophet and the Debtors. A *Ḥadīth* Analysis under Scrutiny," was published in 2000 in *Der Islam* 77 entitled "Der Prophet und die Schuldner. Eine *ḥadīṯ*-Untersuchung auf dem Prüfstand." It deals with a few traditions ascribed to the Prophet and early Muslim legal scholars, including the Umayyad caliph ʿUmar ibn ʿAbd al-ʿAzīz, who are reported to have pronounced in favour of 'personal execution' in case of debt, a measure rejected by the later consensus of the main Muslim legal schools. These traditions were analysed by Irene Schneider in her book *Kinderverkauf und Schuldknechtschaft. Untersuchungen zur frühen Phase des islamischen Rechts* (1999). A review of this book grew into a critical examination of the author's methods and a new study of the traditions in question. It finally led to conclusions opposed to Schneider's as to the origin and development of these traditions and the issue of personal execution in case of debt in pre- and early Islamic Arabia.

Schneider reacted to this revisionist study with an article published in the same issue of the journal *Der Islam* entitled "Narrativität und Authentizität: Die Geschichte vom weisen Propheten, dem dreisten Dieb und dem koranfesten Gläubiger." Since the author defends herself with arguments that distort my concepts and methods, a reply was necessary to clear up the misunderstandings. This reply, called "*Ar-radd ʿalā r-radd* – Zur Methodik der *ḥadīṯ*-Analyse," was published in *Der Islam* 78 (2001). An English translation, "*Al-Radd ʿalā l-radd*: Concerning the Method of *Ḥadīth* Analysis," is included in this volume as the fourth chapter, for the debate about the methods of analysing *aḥādīth* may also be illuminating for other students of early Islam. The third and fourth studies were translated by Mrs. Sonja Adrianovska and revised by Mrs.Vivien Reid.

The fifth study presented in this collection, "The Origins of Muslim Exegesis. A Debate," was written in 2003 and has remained unpublished until now because it was too long for a journal article. It reviews an analysis of exegetical traditions presented by Herbert Berg in his article "Competing Paradigms in the Study of Islamic Origins: Qurʾān 15:89-91 and the Value of *Isnād*s." His study is aimed at scrutinising the efficacy of the *isnād-cum-matn* method of dating *aḥādīth* – a method combining the analysis of the lines of transmitters (*asānīd*, sg. *isnād*) with that of the texts (*mutūn*, sg. *matn*) – and contrasting it with the

methods proposed by John Wansbrough for the analysis of exegetical texts. Since Berg's application of the *isnād-cum-matn* method leaves much to be desired, a more sophisticated analysis of the early exegesis of the qurʾānic verses in question is introduced in this study. It leads to a depiction of the origins and early development of Muslim exegesis of the Qurʾān that differs from the mainstream wisdom of Western scholarship on this issue. Finally Wansbrough's approach to analysing and dating exegetical texts is critically examined.

The sixth study of this volume, "The Raid of the Hudhayl: Ibn Shihāb al-Zuhrī's Version of the Event" written by Nicolet Boekhoff-van der Voort (Nijmegen) is one of the results of her PhD research on the biography of Muḥammad compiled by Ibn Shihāb al-Zuhrī. Her study analyses a complex of traditions belonging to the genre of *sīra* and *maghāzī*, stories on the life and military actions of Muḥammad, by using the *isnād-cum-matn* method. The aims are finding out whether the traditions ascribed to Zuhrī really go back to him, their original form, and whether he fabricated the story himself or really transmits a version circulating earlier.

The author of the seventh and last contribution, "Crime and Punishment in Early Medina: The Origins of a *Maghāzī* Tradition," is Sean W. Anthony (Chicago). His contribution also focuses on a complex of narratives relating an event that is said to have happened at Medina during Muḥammad's life time. By analysing the lines of transmitters and the texts of the traditions, Anthony reconstructs their transmission history, establishes and dates the earliest version of the story as well as the secondary embellishments that have been added during the transmission process. By doing this he critically revises the opinions held by some Western scholars concerning the development of Islamic traditions in general and traditions ascribed to the Companion Anas ibn Mālik in particular.

I wish to thank the translators of my articles for all their efforts to convert the often difficult German texts into readable English. I am grateful to Paul Hardy, who revised one of the translations, and to Vivien Reid, who painstakingly corrected the texts that I wrote myself in English and revised the translations. Miss Ine Smeets helped to produce the index. I profited much from the discussions I had on some of the issues dealt with in this volume with my colleagues and students at the universities of Hamburg and Nijmegen. In particular, I would like to mention my colleague Kees Versteegh, who read and commented

on several of the studies. My friend Gregor Schoeler was always open to listen to problems and give advice. Finally, I would like to thank the anonymous reviewer of the manuscript for his careful reading and his valuable suggestions.

Harald Motzki
Nijmegen, June 2009

CHAPTER ONE

THE JURISPRUDENCE OF IBN SHIHĀB AL-ZUHRĪ. A SOURCE-CRITICAL STUDY

Harald Motzki

I. The Problem

What do we know about the legal doctrine of Ibn Shihāb al-Zuhrī, one of the leading scholars in Medina during the first quarter of the second century A.H./eighth century C.E.?[1] Joseph Schacht wrote about the issue in his epoch-making work *The Origins of Muhammadan Jurisprudence*: "Those cases in which Mālik explicitly states that he asked Zuhrī or heard Zuhrī say something can *unhesitatingly* be regarded as genuine."[2] Schacht based his conclusion on Mālik's *Muwaṭṭaʾ*. He continues: "There are other opinions ascribed to Zuhrī which are *obviously* authentic."[3] As a source where these opinions are to be found, Schacht mentions the *Muwaṭṭaʾ* again and Saḥnūn's *Mudawwana*. Then Schacht states: "But towards the end of the second century A.H., Zuhrī had already been credited with many *spurious* and often contradictory opinions, and his name inserted in *asānīd* of traditions which did not yet exist in his time and from which *fictitious* statements on his supposed doctrine were abstracted."[4] In Schacht's opinion, these fictitious transmissions from Zuhrī are to be found for example in Shaybānī's recension of the *Muwaṭṭaʾ*, in Shāfiʿī's treatises and in the *Mudawwana*.

In view of this presentation one would expect Schacht to exclude Mālik's *Muwaṭṭaʾ* from the suspicion of containing forged Zuhrī traditions. That is not the case, however, as other parts of his *Origins*

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[1] See for Zuhrī's biography J. Horovitz' article "Al-Zuhrī" in the first edition of the *Encylopaedia of Islam* and the recent "Al-Zuhrī" article by M. Lecker in the second edition.

[2] J. Schacht, *The Origins of Muhammadan Jurisprudence*, 246. Emphasis mine.

[3] Ibidem. Emphasis mine.

[4] Ibidem. Emphasis mine.

make clear.[5] Although referring to "the end of the second century" as the time in which fictitious Zuhrī traditions were circulated, Schacht actually thinks that they were fabricated during the entire second half of the second/eighth century and that they are found in all sources of this period, including Mālik's *Muwaṭṭaʾ*. Earlier sources were not available to Schacht. He assumes that only a part of what Mālik in his *Muwaṭṭaʾ*, as transmitted by Yaḥyā ibn Yaḥyā al-Laythī, claims to have received from Zuhrī actually comes from him. As the only evidence of authenticity, Schacht accepts Mālik's own statement that he asked or heard Zuhrī's opinion on a subject. Yet these texts are quite rare in Mālik's Zuhrī transmission. Most consist, instead, of simple sayings and traditions, i.e., texts in which Zuhrī appears only as transmitter. In these cases, Schacht decides the question of whether Zuhrī really was – or at least could have been – Mālik's source for a text by placing the content of the text in the general context of legal developments as he himself had reconstructed them.

Schacht's ideas concerning the development of Islamic jurisprudence were deeply affected by his appreciation of the sources. He maintains that, generally, traditions referring to the generation of the so-called Successors (*tābiʿūn*) represent the earliest stage in the process of projecting the legal development of the second/eighth century back into the first/seventh century; Companion (*ṣaḥāba*) texts are a younger level; and the traditions of the Prophet are the youngest element in this chain. Zuhrī traditions, in which he is only Mālik's informant for doctrines of earlier authorities (Successors, Companions, the Prophet), cannot be accepted, therefore, as authentic elements of Zuhrī's legal teaching. "He appears as the common link in the *asānīd* of a number of traditions from the Prophet, from Companions and from Successors; Zuhrī himself was hardly responsible for the greater part of these traditions."[6] Schacht regards even Zuhrī texts referring to *tābiʿūn* as fictitious, i.e., not really going back to Zuhrī and by no means to the alleged Successor. "This makes it impossible to regard information on the Medinese lawyers in the time of the Successors as genuine, unless it is positively shown to be authentic. It would be rash to exclude this possibility a priori, but as far as I have been able to investigate the development of the Medinese doctrine, *I have not*

[5] Op. cit., 163, 175.
[6] Op. cit., 246.

found any opinion ascribed to one of these ancient lawyers which is likely to be authentic."[7]

Until recent times Schacht's work on the origins of Islamic jurisprudence has deeply affected research into the history of Islamic law. It influenced especially Western scholars, but a few Muslim ones as well. Yet Schacht's assumptions are not as plausible as they appear at first sight. To start with, one can ask: Where does he derive the certainty that, on the one hand, Zuhrī's legal opinions which Mālik reports he asked Zuhrī about or heard from him (for example with the formula "*ʿan Ibn Shihāb annahu samiʿtuhu yaqūl*", i.e., from Ibn Shihāb, that he heard him say)[8] are really authentic, whereas, on the other hand, *raʾy* which Mālik introduces with, for example, "*ʿan Ibn Shihāb annahu qāla: samiʿtu Abā Bakr ibn ʿAbd al-Raḥmān yaqūl*" (from Ibn Shihāb, that he said: 'I heard Abū Bakr ibn ʿAbd al-Raḥmān say)[9] do not derive from Ibn Shihāb and by no means from his authorities? Could a forged legal case not be given the form of question and answer or of a "heard" tradition just as well as the form of a simple saying? Moreover, the method of placing a text in the historical development of legal doctrine by following in the first place the text (*matn*) and taking the *isnād* only secondarily into account depends on certain premises and subjective considerations which are not necessarily shared by everyone. The results of this method are not always tenable, as I have shown elsewhere.[10]

For this reason it is not advisable to follow Schacht's method of collecting the traditions concerning individual legal topics, then comparing their texts, ordering them chronologically according to criteria of content and, only then, evaluating the transmission lines (*asānīd*)

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[7] Op. cit., 245. Emphasis mine. A similar judgement concerning Zuhrī's transmissions was made by G.H.A. Juynboll in his book *Muslim Tradition. Studies in Chronology, Provenance and Authorship of early Ḥadīth*, 158: "…it is no longer possible to sift the genuine Zuhrī traditions from the fabricated ones, or as is my contention, even the genuine Ibn Shihāb al-Zuhrī traditions from the possible hundreds of pseudo-Zuhrī ones."

[8] Mālik, *Muwaṭṭaʾ*, 29:30 (quoted is the number of the book and after the colons the number under which the transmission in the current edition of M.F. ʿAbd al-Bāqī is found).

[9] Mālik, *Muwaṭṭaʾ*, 29:55.

[10] See my book *Anfänge der islamischen Jurisprudenz. Ihre Entwicklung in Mekka bis zur Mitte des 2./8. Jahrhunderts*; English edition: *The Origins of Islamic Jurisprudence. Meccan Fiqh before the Classical Schools*; and my article "The *Muṣannaf* of ʿAbd al-Razzāq al-Ṣanʿānī as a Source of Authentic *Aḥādīth* of the First Islamic Century."

and quality of the collections in which the traditions are found. In the following, the reverse procedure has been chosen. My investigation focuses on the issue of the sources that could be used as a basis for a reconstruction and critical evaluation of Zuhrī's legal doctrines and traditions.

Schacht had only Mālik ibn Anas' (d. 179/795) *Muwaṭṭaʾ* as an early source for Zuhrī's jurisprudence (*fiqh*) at his disposal, preserved in the two recensions by Yaḥyā ibn Yaḥyā and Muḥammad al-Shaybānī. Nowadays we can refer to more early text corpora. I would like to mention only two of them which are particularly important, both because of the large number of Zuhrī texts they contain and because of their age, for they originate from before or, at least, the same period as Mālik's *Muwaṭṭaʾ*. I am referring to the transmissions of Maʿmar ibn Rāshid (d. 153/770) and ʿAbd al-Malik ibn Jurayj (d. 150/767) contained in ʿAbd al-Razzāq al-Ṣanʿānī's *Muṣannaf*. As I have shown elsewhere in more detail, their transmissions are old and genuine and were originally contained in the written works of these scholars. ʿAbd al-Razzāq received their material when studying with the two scholars and later integrated it into his much larger compilation of traditions.[11]

In biographical literature Maʿmar and Ibn Jurayj are known, like Mālik, as Zuhrī's students. Yet this is no reason for accepting all their transmissions from him as authentic Zuhrī material, as Schacht's evaluation of Mālik's Zuhrī material shows. To answer the question whether Maʿmar's and Ibn Jurayj's Zuhrī texts are genuine or not, I did not follow Schacht's method of proceeding from hypotheses about the early development of Islamic jurisprudence which are based on Shāfiʿī's treatises and information deriving from the second half of the second century A.H. and later. Rather, I have studied, first, the early compilations which contain large numbers of texts attributed to Zuhrī with the aim of finding out whether their authors should be regarded as forgers of the material that they present. Only then have their Zuhrī traditions been analysed.

II. Maʿmar as a Source for Zuhrī's Teaching

Among the three corpora most of the Zuhrī texts are to be found in Maʿmar ibn Rāshid's corpus, which can be reconstructed on the basis of

[11] See the preceding note.

the *asānīd*, i.e., the transmission chains, in ʿAbd al-Razzāq's *Muṣannaf*. When we classify the persons from whom Maʿmar says he derived legal opinions or traditions according to their frequency, a remarkable picture emerges: Most often, he mentions the Medinan scholar Zuhrī (28%),[12] followed by the Baṣran Qatāda (25%). He reports much less from the Baṣran Ayyūb [ibn Abī Tamīma] (11%), even less from the Yemenite Ibn Ṭāwūs (5%), the Baṣrans Yaḥyā ibn Abī Kathīr (3%) and Ḥasan [al-Baṣrī] (3%), the Medinan Hishām ibn ʿUrwa (2%), and the Kūfans Ḥammād [ibn Abī Sulaymān] (1%) and al-Aʿmash (1%). He reports from more than 75 other people only sporadically (less than 1%). Besides these, a relatively high percentage (7%) of anonymous traditions is to be found, i.e., traditions in which Maʿmar does not mention his direct informant.

These percentages do not match the assumption that Maʿmar generally fabricated his transmission data to ascribe his own legal opinions to earlier authorities or to provide traditions circulating anonymously with *asānīd*. A forger moved by such goals would have proceeded otherwise, either more unsystematically or more systematically, by ascribing all of his texts to only a few important informants instead of to a large number of – partly unknown – people. Anonymous traditions, gaps in the *asānīd* and, moreover, texts reflecting Maʿmar's own *raʾy* do not match at all with the picture of a presumed forger. If Maʿmar really had been a forger of transmission data, one could also ask what induced him to choose a Medinan scholar as one of his main authorities although he generally preferred scholars from Baṣra. After all, he originated from Baṣra and later moved to Yemen to become a teacher there.

On the basis of these considerations the hypothesis that Maʿmar forged his traditions appears very unlikely. The percentages of Maʿmar's informants can more plausibly be explained by historical circumstances: In his hometown Baṣra he mainly studied with Qatāda, but occasionally also with other scholars, and he continued his studies in Medina, mainly with Zuhrī and sporadically with other Medinan scholars. He may have obtained his materials deriving from other centres of jurisprudence during his trips or his stay in the Ḥijāz hearing

[12] The percentages are rounded. They are based on a sample of 1499 texts of Maʿmar's, contained in the books "*Kitāb al-Nikāḥ*" and "*Kitāb al-Ṭalāq*" of ʿAbd al-Razzāq's *Muṣannaf*, i.e., vol. 6 and 7, nos. 10243–14053. This sample is representative for most of the books of the *Muṣannaf*.

pilgrim scholars. The doubts about the forging hypothesis deepen when comparing the text corpora of Maʿmar's two main informants: Zuhrī and Qatāda.

Two thirds of Maʿmar's Zuhrī texts reproduce his personal opinion (*raʾy*) and only one third traditions (*āthār, aḥādīth*), in which Zuhrī only posits as transmitter. In these transmissions four *tābiʿūn* from Medina prevail: Saʿīd ibn al-Musayyab (19%), Sālim ibn ʿAbd Allāh ibn ʿUmar and ʿUrwa ibn al-Zubayr (13% each) and ʿUbayd Allāh ibn ʿAbd Allāh ibn ʿUtba (8%). Other known *tābiʿūn* from Medina like Sulaymān ibn Yasār, Abū Salama ibn ʿAbd al-Raḥmān, al-Qāsim ibn Muḥammad and Abū Bakr ibn ʿAbd al-Raḥmān, or Syrian ones like Qabīṣa ibn Dhuʾayb appear much more rarely. It is remarkable that the material of three of Zuhrī's four main authorities consists exclusively of traditions transmitted by them from earlier authorities; only the Ibn al-Musayyab texts contain his personal *raʾy* as well as traditions at approximately the same rate. The predominance of traditions over *raʾy* in the texts of Zuhrī's informants is typical in Maʿmar's material. Even so, *asānīd* are not given regularly. 40% of Zuhrī's transmissions from other persons lack information on the informants or chains of transmitters. This is not only the case for the *ṣaḥāba*-traditions, but also for those from the Prophet. Precedents or legal opinions of *ṣaḥāba* are mentioned twice as frequently as those of the Prophet and three times more frequently than those of *tābiʿūn*. Among the *ṣaḥāba*, ʿUmar is the most prominent, followed in frequency at some distance by his son ʿAbd Allāh, then by ʿUthmān, ʿĀʾisha, Ibn ʿAbbās and Zayd ibn Thābit.

Maʿmar's Qatāda texts consist – like the ones he ascribes to Zuhrī – mainly of Qatāda's *raʾy* (62%) and only to a lesser extent of traditions that Qatāda transmits from others. Differently from Zuhrī, they are dominated by only two *tābiʿūn*: al-Ḥasan al-Baṣrī (31%) and, at some distance, the Medinan scholar Saʿīd ibn al-Musayyab (20%). Other *tābiʿūn* like the Kūfans Ibrāhīm al-Nakhaʿī and Shurayḥ or the Baṣran Abū l-Shaʿthāʾ [Jābir ibn Zayd] appear rather rarely. Contrary to the comparable Zuhrī traditions, the texts which Qatāda transmits from *tābiʿūn* usually reproduce their *raʾy*; 84% of the texts attributed to Ḥasan al-Baṣrī consist of his legal opinions and those referring to Ibn al-Musayyab contain no transmissions from other authorities at all in the sample analysed here. In Zuhrī's Ibn al-Musayyab material, on the contrary, there is – as mentioned above – a balance between *raʾy* and traditions.

Notably underdeveloped in comparison to the Zuhrī texts is the use of the *isnād* in Qatāda's traditions. In 60% of Zuhrī's traditions one comes across an *isnād* or information about an informant; in Qatāda's traditions such texts amount to only 12%. Maʿmar's Qatāda texts also differ from Zuhrī's in the distribution of the authorities mentioned: the older *tābiʿūn* dominate at the expense of the *ṣaḥāba*. Also contrary to Zuhrī's *ṣaḥāba* traditions, we find that in Qatāda's texts ʿAlī and Ibn Masʿūd prevail over ʿUmar in frequency of quotations; Ibn ʿAbbās follows at a considerable distance, whereas other Companions are only sporadically mentioned. Traditions from the Prophet are quite rare in Maʿmar's transmission from Qatāda, while Maʿmar transmits them from Zuhrī five times more frequently. Finally, a difference in the terminology of transmission must be pointed out: Maʿmar often reproduces Zuhrī's *raʾy* in the form of an answer (*responsum*) to his own question, for example with the formula: "I asked Zuhrī about…He said…".[13] This text genre occurs only very rarely in Maʿmar's Qatāda material.[14]

The characteristic differences described above between the text corpora of Maʿmar's two most important authorities for legal opinions and traditions render very unlikely the assumption – which could be made on the basis of Schacht's theories – that Maʿmar faked the origin of the texts in order to legitimate his own teachings through a Medinan and a Baṣran authority.

There are other indications to support this thesis: Maʿmar often[15] refers to the fact that Zuhrī's and Qatāda's opinions agree on a legal problem.[16] He usually introduces such a text with the words "*ʿan al-Zuhrī wa-Qatāda, qālā*" (from Zuhrī and Qatāda, both said),[17] or he sometimes puts a note at the end of a Zuhrī text, such as "*wa-qālahu Qatāda*" (so said Qatāda [as well]),[18] or "*ʿan Qatāda mithlahu*" ([I transmit] the same from Qatāda).[19] This means in fact that in those cases where

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[13] ʿAbd al-Razzāq, *Muṣannaf*, 6:10838. For the different genres see Motzki, *Die Anfänge der islamischen Jurisprudenz*, 72–75; *The Origins of Islamic Jurisprudence*, 79-83.

[14] For example: ʿAbd al-Razzāq, *Muṣannaf*, 6:10806, 10922. In Zuhrī's texts this genre appears five times more often.

[15] Frequency: 18% in Zuhrī's, 22% in Qatāda's texts.

[16] This occasionally occurs in traditions as well. See for example ʿAbd al-Razzāq, *Muṣannaf*, 6:10924.

[17] ʿAbd al-Razzāq, *Muṣannaf*, 6:10519.

[18] ʿAbd al-Razzāq, *Muṣannaf*, 6:10681.

[19] ʿAbd al-Razzāq, *Muṣannaf*, 6:11110.

he only quotes the Medinan scholar on a legal issue, Maʿmar either did not know a relevant statement of Qatāda's, or it appeared to him not worth mentioning, or, maybe, it was so different that it needed a separate text, or the Qatāda text was left out by ʿAbd al-Razzāq. The same is true in cases where Maʿmar only presents Qatāda's opinion without mentioning Zuhrī's.

If one wishes to see in Maʿmar's method of quotation circumstantial evidence of forgery and if one wishes to claim that Maʿmar tried in this way to create additional authorities for his own legal opinions, the question remains as to why he had not done it more often. Further evidence against the assumption of forgery is the fact that in some cases Maʿmar explicitly refers to a difference of opinion between Zuhrī and Qatāda without clarifying which of the two he prefers. Here are two examples:

> ʿAbd al-Razzāq from Maʿmar from Zuhrī; he said: "When a man buys a divorce from his wife, it is *khulʿ* (ransom divorce)." Qatāda said: "It is not *khulʿ*."[20]
>
> ʿAbd al-Razzāq from Maʿmar from Zuhrī and Qatāda; both said: "Her right to divorce (*amruhā*) is in her hand until she decides [on the offer of divorce]."[21] Qatāda said [moreover]: "…Even if her husband has sex with her (*aṣābahā*), before she decides."[22]

In the first case we have contradictory opinions, in the second case we just see an extension or concretisation of the opinion ascribed to both Zuhrī and Qatāda. In both cases it is not clear which opinion Maʿmar himself favours.[23] Why should Maʿmar have falsely ascribed such cases of diverging opinions to his main authorities, of whom he more often reports agreement? It is even more difficult to defend the forgery thesis in view of texts in which Maʿmar opposes the *raʾy* of his authority. An example:

> ʿAbd al-Razzāq from Maʿmar from Qatāda about a man, who gave his wife the right to divorce (*amr*) in her own hands. He [Qatāda] said: "If one of them dies before she has made a decision, neither of them inherits from the other. When he puts the power to divorce her in another man's hands, and this man to whom the power of divorce has been given

[20] ʿAbd al-Razzāq, *Muṣannaf*, 6:11756.
[21] Additions in square brackets are added by me for a better understanding.
[22] ʿAbd al-Razzāq, *Muṣannaf*, 6:11943.
[23] But such cases can be found sporadically, as in ʿAbd al-Razzāq, *Muṣannaf*, 6:10702.

> dies before deciding anything, he cannot marry her again until she has first married another man. If one of them dies before he [i.e., the one entrusted with the power of divorce] has made a decision, they cannot inherit from another."
>
> Maʿmar said: "I heard somebody say: 'When the man into whose hands the power to divorce her has been put dies before making a decision, that is nothing [i.e., this should not be considered a divorce].' I prefer this [opinion] to that of Qatāda's."[24]

The circumstantial evidence presented above goes against the idea that Maʿmar forged or invented his information on the origin of his texts. As a consequence, until the contrary is proven, we must consider his Zuhrī and Qatāda texts as authentic, i.e., really received from the persons named. The attempt to avoid this consequence by assuming that a part of Maʿmar's material, e.g., the traditions from earlier authorities, is the work of anonymous forgers – as Schacht argued[25] – is not convincing. These forgers would have been Maʿmar's contemporaries, i.e., active in the second quarter of the second century A.H., and they must have produced Zuhrī and Qatāda traditions in huge numbers. These "workshops of forgers" could not have remained undetected by a long-serving student of Zuhrī and Qatāda. There is, however no hint of such "workshops" either in Maʿmar's or in his pupil ʿAbd al-Razzāq's texts. Moreover, the *asānīd* in Maʿmar's Zuhrī and Qatāda traditions are too fragmentary. We would expect more sophisticated *asānīd* from professional forgers of this time

The existence of Maʿmar's Zuhrī and Qatāda texts should be interpreted, therefore, as follows: Maʿmar was for a longer period of time a student of both teachers. The large number of texts and the fact that he occasionally points to tiny differences in his teachers' opinions certainly presuppose written notes made during or after the lectures as memory aids. The differences between both bodies of transmission reflect different circumstances in which the texts were received. For example, the fact that Maʿmar rarely transmits Qatāda's answers to his own questions whereas he frequently does so in the case of Zuhrī may be a result of the fact that Maʿmar was still very young when studying with Qatāda and was therefore not allowed to ask questions. The situation changed when he later became a student of Zuhrī and was no longer counted as a beginner. Another explanation for the differences

24 ʿAbd al-Razzāq, *Muṣannaf*, 7:11962.
25 Schacht, *The Origins of Muhammadan Jurisprudence*, 179.

may lie in the two legal scholars' different stages of development and in regional peculiarities in legal teaching in both centres of learning. This could explain, for example, the more frequent use of the *isnād* in Zuhrī's traditions or the rarer occurrence of *aḥādīth* from the Prophet in Qatāda's texts. Interpreted in this way, the texts transmitted by Maʿmar enable us to get detailed insights into the state of development that legal thinking and teaching had reached in the first quarter second century A.H.

For this reason Maʿmar's Zuhrī transmission can be regarded as a useful source for the legal doctrines and traditions of this famous Medinan scholar. This conclusion does not exclude the possibility of Maʿmar's having occasionally made mistakes when preserving or transmitting the material received from Zuhrī.

The conclusions drawn up to now are based solely on Maʿmar's texts as contained in ʿAbd al-Razzāq's *Muṣannaf*. I did not refer to biographical traditions about Maʿmar, as this type of information about Islamic scholars living during the first two Islamic centuries (roughly the seventh and eighth centuries C.E.) is regarded as generally unreliable by many non-Muslim scholars. However, the preserved biographical traditions about Maʿmar confirm the results obtained through our text analysis to a large extent. Let us have a look at the biographical material.

Maʿmar ibn Rāshid, a *mawlā* of the tribe al-Azd, grew up in Baṣra, where he began his studies – as he himself said – in the year when al-Ḥasan al-Baṣrī died, i.e., in 110/728–9, when he was 14 years old. It is possible that he still heard him, but that is not confirmed in the biographical sources. Again according to himself, he then studied with Qatāda.[26] He left Baṣra, where he had formed a close friendship with Ayyūb ibn Abī Tamīma, either shortly before or after Qatāda's death (117/735) and became a student of Zuhrī. He is indeed considered, along with Mālik ibn Anas, as one of Zuhrī's most important students. He occasionally returned to Baṣra for visits and took the opportunity to study with some of the scholars there. At an unknown date he moved to Ṣanʿāʾ, the centre of learning in Yemen, where he died in 153/770 or 154/771 (less probable alternatives given are 150 or 152) aged 57 or 58, surrounded by his students, among whom was ʿAbd al-Razzāq.[27]

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[26] For Qatāda as traditionist according to biographical sources see G. Vitestam, "Qatāda b. Diʿāma as-Sadūsī et la science du *ḥadīṯ*."

[27] See Ibn Saʿd, *Ṭabaqāt*, 5:397; Bukhārī, *Taʾrīkh*, 4/1: 378–379; Dhahabī, *Tadhkira*, 1:190-191; Ibn Ḥajar, *Tahdhīb*, 10:243–246. That is only a selection of sources. Other

Maʿmar belongs among the first *muṣannifūn*,[28] i.e., those who ordered their texts thematically. His *muṣannaf* works do not seem to have been widely dispersed because their existence or their titles are rarely mentioned in the biographical sources. Yet one of his *muṣannaf* works entitled *Kitāb al-Jāmiʿ* is preserved in the transmission of his disciple ʿAbd al-Razzāq, and forms the last "book" of his *Muṣannaf*.[29] Maʿmar's wider *muṣannaf* compilation is probably preserved only in the (scattered) form in which ʿAbd al-Razzāq integrated it into his own *Muṣannaf*.

The evaluation of early Islamic scholars by the later Muslim *ḥadīth* critics and *rijāl* experts which developed after the second half of the second century A.H. is useful for historical research in many respects. Their results must be handled with great care, however, for they are strongly linked to later norms of *ḥadīth* transmission which were not generally followed by the traditionists of the first half of the second century A.H., to say nothing of the early *fuqahāʾ* who mainly taught their own *raʾy*. Nevertheless, it is worth pointing out that Maʿmar's transmission from Zuhrī is considered very reliable by the *ḥadīth* critics.

III. Ibn Jurayj as a Source for Zuhrī's Teaching

Another important early source for Zuhrī's *fiqh* is the transmission of the Meccan scholar Ibn Jurayj (d. 150/767). Like the one by Maʿmar it is contained in ʿAbd al-Razzāq's *Muṣannaf* and it can be reconstructed on the basis of the chains of transmission. Since I have already discussed the value of Ibn Jurayj's transmission elsewhere,[30] I shall limit myself to the essential points which are important for the comparison with other early sources and for the Zuhrī texts. The Ibn Jurayj transmission in ʿAbd al-Razzāq's *Muṣannaf* is *qua* extension only slightly inferior to Maʿmar's and contains more than 5000 individual texts.[31] As

important biographical traditions about Maʿmar are to be found in Ibn ʿAsākir's *Taʾrīkh madīnat Dimashq* and Dhahabī's *Siyar aʿlām al-nubalāʾ*.

[28] Ibn al-Madīnī, *ʿIlal al-ḥadīth*, 17 ff.

[29] F. Sezgin was one of the first to mention it in his article "Hadis musannefatının mebdei ve Maʿmer ibn Râşid'in Câmiʿi." M.J. Kister was one of the first using it even before it was published. See his article "Ḥaddithū ʿan banī isrāʾīla wa-lā-ḥaraja."

[30] See Motzki, *Die Anfänge der islamischen Jurisprudenz*, 70–87, 157–167, 209–212; *The Origins of Islamic Jurisprudence*, 77–95, 173–185, 234–238.

[31] The following observations are based on the same text corpus as in the previous chapter, see note 12.

we have already seen, Maʿmar's corpus is dominated by two authorities, including Zuhrī, whereas Ibn Jurayj's material presents only one main authority, the Meccan *faqīh* ʿAṭāʾ ibn Abī Rabāḥ. Nearly 40% of Ibn Jurayj's texts are ascribed to him. The rest are ascribed to a large number of informants (more than 100 persons), among whom five names are mentioned more frequently than others: the Meccan ʿAmr ibn Dīnār (7%), the Medinan Ibn Shihāb (6%), the Yemenite Ibn Ṭāwūs (5%), the Meccan Abū l-Zubayr (4%) and the ʿIrāqī ʿAbd al-Karīm [al-Jazarī] (3%).

As in the case of ʿAbd al-Razzāq's Maʿmar transmission, I consider the strongly varying attribution of texts to informants which is found in Ibn Jurayj's corpus, along with the fact that it also contains legal opinions of his own and a conspicuous number of anonymous traditions, as evidence against the forgery theory. By forgery theory I mean the hypothesis that Ibn Jurayj falsely ascribed his own legal opinions and those of other scholars at Mecca and elsewhere, as well as traditions (*āthār* and *aḥādīth*) circulating during his lifetime, to the previous generation of scholars. It seems more plausible to explain the peculiar attribution of texts to informants found in Ibn Jurayj's material by historical circumstances during his lifetime. For example, the fact that he has only one main authority, ʿAṭāʾ, may be due to the fact that ʿAṭāʾ was his most important teacher, with whom he studied the longest and from whom he learned the most.

Other arguments against the forgery theory can be found in a comparison of the texts ascribed by Ibn Jurayj to different persons. A comparison between Ibn Jurayj's transmissions from ʿAṭāʾ ibn Abī Rabāḥ and Zuhrī, whom he usually calls Ibn Shihāb, will do as an example.

Let us first have a look at the peculiarities of Ibn Jurayj's transmission from ʿAṭāʾ. The ʿAṭāʾ texts reproduce for the most part (80%) his *raʾy*. Only a fifth of them contain traditions from others in which ʿAṭāʾ is only the transmitter. The forms in which Ibn Jurayj presents ʿAṭāʾ's *raʾy* are striking. Beside the usual sayings (*dicta*) we find an almost similar number of *responsa*, i.e., answers which ʿAṭāʾ gave to questions asked by Ibn Jurayj himself or, more rarely, by other people, known by name or not. When classifying ʿAṭāʾ's *āthār* and *aḥādīth* according to the authorities to which they refer, we get the following result: He quotes the *ṣaḥāba* most frequently, the Prophet much less, and his contemporaries only sporadically. Furthermore, a large number of quotations from the Qurʾān are notable. Among the Companions it is Ibn ʿAbbās who clearly dominates. ʿAṭāʾ refers to him nearly three

times more than to ʿUmar ibn al-Khaṭṭāb, the second most frequently mentioned Companion, who himself is quoted three times more than ʿAlī or ʿĀʾisha. The Companions Jābir ibn ʿAbd Allāh, Abū Hurayra, Ibn ʿUmar and others appear only rarely. The *aḥādīth* of the Prophet are clearly outnumbered by ʿAṭāʾ's references to Ibn ʿAbbās, but the Prophet follows in second place, ahead of all other *ṣaḥāba*. ʿAṭāʾ only sporadically gives his informants for the Companion traditions, and among his *aḥādīth* from the Prophet only a quarter have a – partly incomplete – *isnād*.

In sharp contrast to his transmission from ʿAṭāʾ, in which the latters' *raʾy* dominates, Ibn Jurayj's transmission from Zuhrī consists mostly of traditions in which Zuhrī functions only as transmitter (58%). The texts which contain Zuhrī's *raʾy* are fewer, but nevertheless noticeable in number (42%). The *raʾy* appears, in most cases, in the form of sayings (*dicta*) and seldom as answers (*responsa*). In striking contrast to Ibn Jurayj's *responsa* transmitted from ʿAṭāʾ, where Ibn Jurayj often asks the questions himself, his *responsa* transmitted from Zuhrī are only exceptionally of that type. Among Ibn Jurayj's traditions transmitted from Zuhrī, ʿUrwa ibn al-Zubayr is the most important informant of Zuhrī. In that function he clearly outdoes other Medinan scholars such as Abū Salama ibn ʿAbd al-Raḥmān, Sālim ibn ʿAbd Allāh ibn ʿUmar, ʿUbayd Allāh ibn ʿAbd Allāh ibn ʿUtba, Sulaymān ibn Yasār and others.

Most of Zuhrī's traditions (*āthār* and *aḥādīth*) refer to individuals of the Companion generation as authorities. Only half as many of his traditions refer to Successors or the Prophet. Among the Prophet's Companions ʿUmar is mentioned most frequently, followed by ʿUthmān, Ibn ʿUmar and ʿĀʾisha. Zayd ibn Thābit, Abū Hurayra, Ibn ʿAbbās and other, less famous, *ṣaḥāba* occur more rarely. If these authorities are ordered according to frequency, the Prophet is in first place, in sharp contrast to what we find in ʿAṭāʾ's traditions. After the Prophet the second caliph ʿUmar comes only at some distance. Furthermore, it is remarkable that the caliphs are strongly represented, even the Umayyads like ʿAbd al-Malik and ʿUmar ibn ʿAbd al-ʿAzīz. About half of Zuhrī's traditions have an *isnād*, though not always a complete one; his traditions from the Prophet usually have an *isnād*.

The comparison of two of Ibn Jurayj's text corpora, the one transmitted from ʿAṭāʾ ibn Abī Rabāḥ and the one ascribed to Ibn Shihāb [al-Zuhrī], shows that they are very different with regard to volume (i.e., absolute number of texts); importance of *raʾy*; text genres; use

of *isnād*; authorities preferred etc. Ibn Jurayj can hardly have fabricated both corpora. By fabricated I mean that he himself composed the texts and supplied them arbitrarily with *asānīd*. There is other evidence, which I have presented elsewhere,[32] that supports the hypothesis that Ibn Jurayj in fact acquired his ʿAṭāʾ texts from ʿAṭāʾ himself, for example: Ibn Jurayj's personal legal opinions; his comments on ʿAṭāʾ's texts; his conscious deviations from ʿAṭāʾ's opinions; occasional indirect transmission from ʿAṭāʾ; and the reporting of different solutions of ʿAṭāʾ's to the same problem. Similar peculiarities can also be recognised in Ibn Jurayj's transmission from Ibn Shihāb, for example the indirect transmission from him,[33] or references to contradictory statements.[34] Finally, it is not easy to understand why the Meccan scholar Ibn Jurayj, who mainly refers to authorities from this town, should have fabricated texts reproducing the *raʾy* and traditions of a Medinan *faqīh* and transmitter.

All this lends support to the hypothesis that the texts which Ibn Jurayj reproduces really come from the persons indicated in the *isnād*. Alternatively we would have to imagine that Ibn Jurayj received his material from anonymous forgers rather than from of the persons he names. Yet such an assumption means that the problem would only be shifted to the realm of speculations which cannot be checked. It cannot be accepted as a scientifically permissible explanation for the differences between the two corpora.

To explain their respective peculiarities, we should consider, instead, different conditions as to how Ibn Jurayj received his material, and different individual and/or regional peculiarities of ʿAṭāʾ's and Zuhrī's legal scholarship. The large number of *responsa* in Ibn Jurayj's transmission from ʿAṭāʾ may mirror the manner in which Ibn Jurayj aquired his legal knowledge from this teacher. The predominance of *raʾy*, the high frequency of texts from Ibn ʿAbbās and the rare occurrence of *asānīd* may be typical of ʿAṭāʾ's doctrine and/or that of the Meccan *fiqh* in general at the beginning of the second century A.H. On the contrary, the rare occurrence of direct questions put by Ibn Jurayj to Ibn Shihāb and the only sporadic references to a *samāʿ* (hearing) from him may be circumstantial evidence that Ibn Jurayj was not one

[32] See Motzki, *Die Anfänge der islamischen Jurisprudenz*, 70–85; *The Origins of Islamic Jurisprudence*, 77–94.

[33] E.g., ʿAbd al-Razzāq, *Muṣannaf*, 7:12498 (Ibn Jurayj – Ayyāsh – Ibn Shihāb).

[34] E.g., ʿAbd al-Razzāq, *Muṣannaf*, 7:13632.

of Zuhrī's regular students. He may have acquired a part of his Zuhrī texts not by hearing, but by copying a written source which Zuhrī or one of his pupils put at Ibn Jurayj's disposal. In Ibn Jurayj's Zuhrī material, the predominance of traditions over his *raʾy*, the higher frequency of informants given for traditions, and the eminent role played by the Prophet as a legal authority may be typical of Zuhrī's and/or Medinan jurisprudence in this period. Such a historical explanation does not lack plausibility – to my mind – and offers the advantage that it is falsifiable. For this reason we should maintain, until the contrary is proven, that the texts which Ibn Jurayj ascribes to Ibn Shihāb [al-Zuhrī] do really derive from the latter.

This conclusion and our assumptions as to how Ibn Jurayj could have come by his texts are based so far exclusively on ʿAbd al-Razzāq's texts as preserved in his *Muṣannaf*. I have left aside biographical information *about* Ibn Jurayj for the reasons already mentioned above. This will be remedied now.[35]

ʿAbd al-Malik ibn ʿAbd al-ʿAzīz ibn Jurayj, a *mawlā* of the Umayyad clan Āl Khālid ibn Asīd, was born in the year 80/699, probably in Mecca, where he grew up. He started studying when he was 15 under the patronage of ʿAṭāʾ ibn Abī Rabāḥ, the leading Meccan scholar of that time. He frequented his study circle for about 18 years but he separated from his teacher one or two years before his death in 115/773 to join the younger scholar ʿAmr ibn Dīnār whose lessons he attended for about seven years. In this period Ibn Jurayj probably also studied with other scholars, for example, the Meccan Ibn Abī Mulayka (d. 117/735 or 118/736) and the Medinan scholar Nāfiʿ (d. 118/736 or 119/737), the *mawlā* of Ibn ʿUmar, who stayed at Mecca from time to time. All this information, transmitted by Ibn Jurayj's students, is usually based on his own statements. He died in 150/767. This information derived from Muslim biographical literature is corroborated by what we found

[35] The biographical information about him has been mainly taken from the following works: Ibn Saʿd, *Ṭabaqāt*, 5:361–362; 7/2:163; Khalīfa ibn Khayyāṭ, *Ṭabaqāt*, 283; Bukhārī, *Taʾrīkh*, 3/1:422–423; Ibn Qutayba, *Maʿārif*, 167; Ibn Abī Ḥātim, *Taqdima*, passim; idem, *Jarḥ*, 2/2:356–359; Ibn Ḥibbān, *Mashāhīr*, n° 1146 and others; idem, *Thiqāt*, 7:93–94; Ibn al-Nadīm, *Fihrist*, 316; Baghdādī, *Taʾrīkh*, 10:400-407; idem, *Kifāya*, 258, 320; Shīrāzī, *Ṭabaqāt*, 71; Nawawī, *Tahdhīb*, 2:297–298; Ibn Khallikān, *Wafayāt*, 2:348; Dhahabī, *Duwal*, 79; idem, *Mīzān*, 2:151; idem, *Tadhkira*, 169-171; Ibn Ḥajar, *Tahdhīb*, 6:402–406. For a detailed analysis of these texts see Motzki, *Die Anfänge der islamischen Jurisprudenz*, 239-254; *The Origins of Islamic Jurisprudence*, 268–285.

when investigating the frequency of transmitters in Ibn Jurayj's corpus of texts.[36]

Ibn Jurayj is one of the first authors – if not the first – of books of traditions compiled in the *muṣannaf* style, i.e., ordered according to legal topics. His book was probably entitled "*Kitāb al-Sunan*".[37] Most of it must have been comprised of what his pupil ʿAbd al-Razzāq transmitted from him in his *Muṣannaf*. His work had already become famous beyond Mecca during his lifetime and it probably gave an impulse to other scholars, such as Maʿmar ibn Rāshid, Sufyān al-Thawrī and Mālik ibn Anas, to compose similar works.

In biographical literature, Ibn Jurayj is considered an excellent *faqīh*, Qurʾān reciter and exegete. His disciples composed a "*Kitāb al-Tafsīr*" from his Qurʾān lessons.[38] Yet the judgment of the *ḥadīth* critics on him was controversial. Some younger contemporaries like Mālik or Ibn Jurayj's pupil Yaḥyā ibn Saʿīd al-Qaṭṭān already showed reservations concerning some parts of his transmission. Their criticism is directed mainly against certain forms of transmission used by Ibn Jurayj which from the middle of the second century A.H. onwards came to be seen as inadequate. His transmissions from ʿAṭāʾ ibn Abī Rabāḥ, ʿAmr ibn Dīnār, Ibn Abī Mulayka, Nāfiʿ and some others, however, are usually excluded from the critics' negative assessment.[39] Later criticism is also directed against the fact that he did not always make these forms of transmission clear in his transmission terminology.[40] For example, Ibn Jurayj used an informant's written material which the latter had left to him or which Ibn Jurayj had copied himself and which he had obtained permission to transmit, but which he had not personally "heard" or read out to the informant. In some cases, the manuscript Ibn Jurayj had copied may have been only a collection of texts belonging to one of the informant's students. This was a method of transmission widely used during the first half of the second century A.H. and not yet generally scorned. In this way, for example, Ibn Jurayj

[36] See above p. 12.

[37] Baghdādī, *Taʾrīkh*, 10:402; Shīrāzī, *Ṭabaqāt*, 71; Ibn Ḥajar, *Tahdhīb*, 6:404; Ibn Abī Ḥātim, *Jarḥ*, 2/2:357; Ibn al-Nadīm, *Fihrist*, 316.

[38] Ibn Ḥanbal, *ʿIlal*, 1:349; Baghdādī, *Taʾrīkh*, 10:404; 8:237; Dhahabī, *Tadhkira*, 1:170; Ibn Abī Ḥātim, *Jarḥ*, 2/2:357.

[39] Ibn Ḥajar, *Tahdhīb*, 6:406; Ibn Abī Ḥātim, *Taqdima*, 241; Baghdādī, *Taʾrīkh*, 10:406; Abū Khaythama, *ʿIlm*, 117 (no. 34).

[40] Baghdādī, *Kifāya*, 258, 320; idem, *Taʾrīkh*, 10:404; Ibn Ḥajar, *Tahdhīb*, 6:404–406; Dhahabī, *Tadhkira*, 1:170.

obtained his *aḥādīth* transmitted from Zuhrī, as he himself is reported to have admitted.[41] This corresponds to the results we obtained when analysing Ibn Jurayj's Zuhrī texts. In sharp contrast to his ʿAṭāʾ transmission, we found in the corpus of Zuhrī texts hardly any *responsa* to Ibn Jurayj's questions or references to having heard Zuhrī (*samāʿ*). But there are a few, as the following example shows:

> ʿAbd al-Razzāq from Ibn Jurayj; he said: Ibn Shihāb transmitted to me, [when] *I asked him* about a man who divorced his wife three times while he was suffering pains (*fī wajaʿ*) [i.e., during an illness]: 'How is it? Must she observe her waiting period when he dies, and does she inherit from him?' He [Ibn Shihāb] said: 'Uthmān decided about a wife of ʿAbd al-Raḥmān [ibn ʿAwf], that she had to observe her waiting period and that she inherits from him. He let her inherit from him after she had concluded her waiting period. ʿAbd al-Raḥmān had suffered pains for a long time.[42]

Texts such as this one show that one cannot generalise about the biographical reports about how Ibn Jurayj received Zuhrī's *aḥādīth*. Indeed it is also mentioned in biographical literature that Ibn Jurayj had personal contacts with Zuhrī. He was not one of his regular students, however. This latter fact does not exclude the possibility that he "heard" from him occasionally or asked him questions, maybe during one of Zuhrī's stays in Mecca for the *ḥajj*. This explains the occasional *responsa* to Ibn Jurayj's answers. It would be unwarranted to regard Ibn Jurayj as unreliable or as a forger only because of a a few cases of contradiction between the information he is giving about his mode of transmission and the biographical information preserved about him. A historian need not necessarily share the *ḥadīth* critics' reservations regarding Ibn Jurayj's Zuhrī transmission. Even if Ibn Jurayj received most of Zuhrī's "*aḥādīth*" – that term does not necessarily include his *raʾy* – in written form, that is, without hearing them from him or reading them out to him, it does not mean that they should be considered as false or unreliable for that reason, but only that these sources

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[41] Ibn Abī Ḥātim, *Taqdima*, 245; Dhahabī, *Tadhkira*, 1:170; Ibn Ḥajar, *Tahdhīb*, 6:405–406.

[42] ʿAbd al-Razzāq, *Muṣannaf*, 7:12193. It follows a note about the name of the woman which probably belonged originally to the preceding tradition. For examples of *samāʿ* see ʿAbd al-Razzāq, *Muṣannaf*, 6:10680; 7:13803. For a better understanding of the text it has to be noted that the reported decision of the caliph ʿUthmān shattered the plan of a man who, during his illness knew he would die, separated from his wife to exclude her from his inheritance and to avoid the Qurʾānic inheritance rules.

do not meet the high standards of the later Muslim *ḥadīth* criticism. If the historian were only permitted to use sources which met these criteria, most of the sources on which historians of Islam rely would be unusable.

Our investigation of the evidence concerning Ibn Jurayj which can be found in biographical literature leads, on the whole, to a picture very similar to the one that we could outline on the basis of his texts. This could lead to the supposition that the biographical traditions could have been extrapolated from the texts. However, there is hardly any evidence for such a claim. Only the later voluminous lists of teachers and pupils as we find them, for example, in Ibn Ḥajar's *Tahdhīb,* probably arose, at least partially, in that way.[43] Thus, on the basis not only of Ibn Jurayj's texts but also of the biographical information on him, which goes back for the most part to his students, we are justified in considering his Zuhrī transmission as authentic, in the sense that he in fact received the texts from Zuhrī.

IV. Mālik as a Source for Zuhrī's Teaching

The smallest but no less important of the three early corpora of transmissions from Zuhrī is that of Mālik ibn Anas in his *Muwaṭṭa*ʾ.[44] The *Muwaṭṭa*ʾ is basically a *muṣannaf* work similar to those by Maʿmar and Ibn Jurayj, but more fully amplified with annotations. If analysed according to the alleged origin of its transmissions, the following picture emerges: Mālik refers most frequently to Ibn Shihāb [al-Zuhrī] (21%), who, for this reason, can be considered his main informant. Texts from Nāfiʿ, the *mawlā* of Ibn ʿUmar, and from Yaḥyā ibn Saʿīd al-Anṣārī follow at some distance (14% each). Rabīʿa ibn Abī ʿAbd al-Raḥmān, ʿAbd al-Raḥmān ibn al-Qāsim, Hishām ibn ʿUrwa, and ʿAbd Allāh ibn Abī Bakr are among the informants mentioned less frequently (4–2%). They are all Medinan scholars. A large number of names appear only sporadically. In Mālik's *Muwaṭṭā*ʾ, the stock of anonymous traditions is much more substantial (18%) than in the text corpora of Maʿmar and Ibn Jurayj.[45]

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[43] To show it in detail, a special analysis would be necessary.

[44] In the following the recension of the *Muwaṭṭa*ʾ by Yaḥyā ibn Yaḥyā al-Laythī is taken as the point of reference. The shorter version by Shaybānī will be used only occasionally. As in the case of ʿAbd al-Razzāq's *Muṣannaf*, the three books *Kitāb al-Nikāḥ*, *Kitāb al-Ṭalāq* and *Kitāb al-Riḍā*ʿ are chosen as sample.

[45] In comparison: in Maʿmar's corpus 6%, in that of Ibn Jurayj 8%.

Faithful to the method I have followed so far, I take this striking distribution of texts among Mālik's informants as the first circumstantial evidence against the possible suspicion that Mālik forged his transmission. If he had wanted to hide or fake the real origin of his traditions and ascribe them to particularly important authorities instead, the question arises why he chose to do so in such an irregular distribution. Why does he not prefer the older Nāfiʿ as his main authority instead of Zuhrī? Why does he only quote Nāfiʿ as often as Yaḥyā ibn Saʿīd, who is a generation younger? And, finally, why does Mālik fail to name informants for so many traditions?

A comparison of the texts which Mālik ascribes to his most important informants supplies further evidence in favour of my hypothesis. I shall limit myself to a comparison of the transmissions from Ibn Shihāb and Nāfiʿ: The texts referring to Ibn Shihāb consist for the most part of traditions in which Ibn Shihāb is only a transmitter and Mālik's informant for the legal opinions of earlier authorities (63%). The remaining part (37%) which contains Zuhrī's own opinions (*raʾy*) is nevertheless considerable. Only little more than half of the *raʾy* transmissions take the form of *responsa* to Mālik's questions or point to a personal communication (*samāʿ*). Is the rest transmitted indirectly? Frequently Zuhrī's *raʾy* is introduced in the *Muwaṭṭaʾ* in a such a way as to suggest, indeed, an indirect transmission, i.e., by the mediation of an anonymous third person. For example:

> [Yaḥyā ibn Yaḥyā] transmitted to me from Mālik that he had been told (*balaghahu*) that Saʿīd ibn al-Musayyab, Sulaymān ibn Yasār and Ibn Shihāb used to say:…[46]

This occurs, however, only in collective quotations in which other earlier authorities are mentioned besides Zuhrī. Such anonymous references by Mālik to the *raʾy* of late first century A.H. (beginning of the eighth century C.E.) Medinan *tābiʿūn* are to be found in Yaḥyā ibn Yaḥyā's recension of the *Muwaṭṭaʾ* in large numbers. They take the following form:

> [Yaḥyā ibn Yaḥyā] transmitted to me from Mālik that he had been told (*balaghahu*) that al-Qāsim ibn Muḥammad…[47]

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[46] Mālik, *Muwaṭṭaʾ*, 29:33.
[47] Mālik, *Muwaṭṭaʾ*, 28:19. Such traditions are lacking generally in Shaybānī's version of the *Muwaṭṭaʾ*.

Anonymous traditions like this one are usually not found transmitted from Ibn Shihāb alone in the *Muwaṭṭa*ʾ. So we have to conclude that the anonymous reference to Ibn Shihāb in collective quotations is an inexact, because shortened, form of quotation which actually should run as follows:

> [Yaḥyā ibn Yaḥyā] transmitted to me from Mālik from Ibn Shihāb, and that he had been told (*balaghahu*) about [the Successors] X and Y that they used to say:…

This more elaborate but more precise form of collective quotation occurs only occasionally.[48] Mālik's anonymous indirect reference to Ibn Shihāb in collective quotations should not be considered, therefore, as a real indirect transmission. Such examples do not prove at all that Mālik derives the major part of Ibn Shihāb al-Zuhrī's *raʾy* from sources which he passes over in silence. Real indirect transmissions from Zuhrī are to be found in Mālik's *Muwaṭṭa*ʾ only rarely. In them Mālik refers to Zuhrī through a third person called by name.[49] Even if such indirect transmissions are quite unusual, their sheer existence shows that we can hardly impute to Mālik the ambition to relate directly all Zuhrī texts known to him, even those which he had not heard from Zuhrī himself, suppressing the names of the informants from whom he actually received the Zuhrī texts.

The *āthār* and *aḥādīth* of Mālik's Zuhrī transmission mostly refer to the *ṣaḥāba* generation; only half as many go back to the Prophet and the smallest number go back to the *tābiʿūn*. Anyway, the Prophet is the most frequently mentioned among all single authorities; he occurs twice as often as ʿUmar or ʿUthmān, Ibn Shihāb's favourites among the Companions of the Prophet. Among the *ṣaḥāba* traditions, those with an *isnād* prevail over those without; among the traditions from the Prophet both types of transmission are even frequent, whereas the Successor traditions are for the most part anonymous, i.e., lack any *isnād*.

These findings generate several questions for the advocates of the forgery theory: Why does Mālik, who via Ibn Shihāb mostly refers to the *ṣaḥāba* or to the Prophet, appeal to Ibn Shihāb's *raʾy* at all, if he wanted to base his own *fiqh* fictitiously on earlier and more emi-

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48 For example in Mālik, *Muwaṭṭa*ʾ, 28:40.

49 Such texts are not in our sample, but see Mālik, *Muwaṭṭa*ʾ, 48:8 (*via* Yaḥyā ibn Saʿīd) and 51:3 (*via* Ziyād ibn Saʿd).

nent authorities? Does it make sense to assume that Mālik invented Prophetic traditions with incomplete *asānīd*, lacking one or even two transmitters, as well as traditions with complete chains of transmitters?

Mālik's Nāfiʿ transmission is totally different from his Ibn Shihāb al-Zuhrī texts. It generally does not contain traditions about Nāfiʿs *raʾy*,[50] but consists almost entirely of traditions which Nāfiʿ transmits from other people. About two thirds of them relate to the *raʾy* or the legally relevant behaviour of ʿAbd Allāh ibn ʿUmar who is counted among the *ṣaḥāba*. The rest refer to the Prophet, his wives, or to a Companion like Zayd ibn Thābit, often in connection with a member of ʿUmar's or Ibn ʿUmar's family. Nāfiʿ's informant is for the most part his patron Ibn ʿUmar, more rarely the latter's wife Ṣafiyya bint Abī ʿUbayd, his son Sālim or other family members. Generally, we find informants given in this material for traditions from the Prophet and Companions other than Ibn ʿUmar. There are hardly any *responsa* by Nāfiʿ to questions asked by Mālik himself[51] or indications that he heard him personally (*samāʿ*).

As in the case of Maʿmar and Ibn Jurayj, it is possible to explain – hypothetically – the astonishing differences between Mālik's Ibn Shihāb [al-Zuhrī] and Nāfiʿ transmissions by historical circumstances. For example: The fact that Mālik frequently transmits from Zuhrī *responsa* to his own questions as well as texts which Mālik explicitly says he heard from Zuhrī, whereas he hardly transmits any of theses types of texts from Nāfiʿ, may be the result of different forms of teaching. Nāfiʿ may have had his pupils only copy texts and read them out – or Mālik may have only attended such lessons – whereas Zuhrī may have held additional question times or discussions about legal topics. The finding that Mālik reports from Zuhrī many instances of his *raʾy*, and, by comparison, almost none from Nāfiʿ, may have similar reasons or – more likely – it may mirror the fact that Nāfiʿ did not teach his own *raʾy* at all, but confined himself in his classes to the transmission and diffusion of traditions only.

The difference between Mālik's transmissions from Ibn Shihāb and Nāfiʿ was noticed by Schacht as well. Yet he did not see in this difference any evidence of a possible authenticity of both text transmissions.

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[50] However, see Mālik, *Muwaṭṭaʾ*, 3:56 (not in my sample).

[51] See the preceding note.

On the contrary, he tried to solve the problem by postulating that one or more forgers had invented these texts and falsely ascribed them to both scholars (Nāfiʿ and Zuhrī) during the first half of the second Islamic century. According to Schacht, Mālik adopted these fabricated texts – those connected with Nāfiʿs name possibly from a manuscript – in good faith, thinking that they were genuine, but did not indicate that his transmission was indirect.[52] Schacht implies with this assumption that Mālik acted against the rules of the later *ḥadīth* scholarship and practised a method of transmission for which, according to biographical information, Mālik fiercely criticised others, for example Ibn Jurayj.[53]

Schacht gives several reasons for his aversion to the *isnād* "Mālik – Nāfiʿ – Ibn ʿUmar", considered by Muslims as particularly trustworthy:[54] Firstly, the quantity of Mālik's Nāfiʿ traditions is too large for the marked difference in age between them – Nāfiʿ died in 117, Mālik in 179 A.H.[55] Secondly, the *isnād* "Nāfiʿ *ʿan* Ibn ʿUmar" is what he calls a "family *isnād*", which must be generally suspected of having been fabricated. Thirdly, the traditions provided with this *isnād* reflect, in Schacht's opinion, a secondary stage in legal development; he writes: "Many Nāfiʿ traditions represent unsuccessful attempts at influencing the doctrine of the Medinese school." "…These traditions are later than the established Medinese doctrine."[56]

These arguments are not convincing, however. First, according to biographical reports, Mālik was 23 or 24 years old when Nāfiʿ died.[57] This is certainly not an age that precludes the taking over of his Nāfiʿ tradition, which is not particularly large, by copying or reading it out. Secondly, it is not plausible that transmission from relatives and family members should be considered *a priori* as untrustworthy. On the contrary, we can imagine that they are especially reliable because of the longer and more intimate contact that had existed between the

[52] Schacht, *The Origins of Muhammadan Jurisprudence*, 177, 178 f. G.H.A. Juynboll has expressed similar reservations about this *isnād*: "Very many forged traditions supported by this *isnād* probably originated during Mālik's lifetime (90–179/708–95)." *Muslim Tradition*, 143.

[53] See p. 16 above and the biographical traditions on Mālik in Ibn Ḥajar, *Tahdhīb*, 10:6, 9.

[54] Ibn Ḥajar, *Tahdhīb*, 10:6.

[55] Schacht, *The Origins of Muhammadan Jurisprudence*, 177.

[56] Op. cit., 177.

[57] See below p. 24.

transmitter and his informant.[58] Thirdly, Schacht's last argument is part of a circular reasoning; he uses hypotheses on the doctrine of a presumed old "Medinese school" which he himself constructed on the basis of conjectures which already contained his prejudices concerning the value of the *asānīd* of the second century. Finally, we can question why Mālik should have faked a direct transmission from Nāfiʿ, though he does not shrink from quoting him occasionally *via* a third person, for example, Nāfiʿ's son Abū Bakr.[59]

Our comparison of the text corpora of Mālik's most important informants leads to the conclusion that we must assume that Mālik's transmissions from both Nāfiʿ and Zuhrī really derive from them, until the contrary is proven.

This conclusion, based only on Mālik's *Muwaṭṭa*ʾ, remains tenable even when we look at the biographical reports preserved about Mālik. Schacht has dealt with Mālik's biography in detail.[60] He thinks that we hardly have any reliable information about the period of Mālik's studies. Schacht only accepts the report that Mālik studied *fiqh* with Rabīʿa ibn Farrūkh, though this information is only found in later sources. He seems to reject as untrustworthy other reports, even early ones, concerning other teachers of Mālik. Schacht emphasises that the fact of Mālik's transmitting from Nāfiʿ and Zuhrī is not proof that he studied with the authorities in question.[61]

Schacht is surely right in being suspicious of the steady increase in teachers' and pupils' names in the biographical sources because they probably are based, at least partially, on the *asānīd* known to their authors. Yet the reports about Mālik that go back to his immediate pupils cannot be rejected indiscriminately, as Schacht did. In doing so, he was guided by his prejudices concerning the state of development which Islamic *fiqh* had reached in the first quarter of the second century A.H. and he concluded from the content of the texts that they could not derive from the generation of Mālik's supposed teachers. Some of the gaps in Schacht's portrayal of Mālik's biography will be filled in the following paragraph.

[58] Of a similar opinion are J. Robson, "The *Isnād* in Muslim Tradition," 22 f. and M.M. Azami, *Studies in Early Ḥadīth Literature*, 245 f. and idem, *On Schacht's Origins of Muhammadan Jurisprudence*, 171.

[59] See Mālik, *Muwaṭṭa*ʾ, 48:13, 51:1 (not in my sample).

[60] Schacht, "Mālik b. Anas."

[61] Op. cit., 263.

According to Mālik himself, as transmitted by his student Yaḥyā ibn Bukayr, he was born in 93/712.[62] This date is preferable to all other dates for which no sources are given. That means that he was 23 or 24 when Nāfiʿ died. The ʿIrāqī scholar Shuʿba [ibn al-Ḥajjāj], a slightly older contemporary of Mālik's, even reported that Mālik already had his own circle (*ḥalqa*) of students when he, Shuʿba, came to Medina a year after Nāfiʿ's death.[63] Mālik's students, like Yaḥyā ibn Saʿīd al-Qaṭṭān, regarded their teacher as one of Nāfiʿ's most important "transmitters" – and by this they mean pupils. Critical *ḥadīth* scholars, like ʿAlī ibn al-Madīnī, Yaḥyā ibn Maʿīn and Aḥmad ibn Ḥanbal, belonging to the generation of the pupils of Mālik's students, considered Mālik a student (*ṣāḥib*) of both Nāfiʿ and Zuhrī and the latter, i.e., Zuhrī, as his most important teacher. They probably obtained their information from their teachers, i.e., Mālik's students, even in the cases when they do not say that explicitly. Among Zuhrī's pupils they preferred Mālik to all others, mentioning besides him as important students his older contemporary Maʿmar ibn Rāshid and – with reservations – the slightly younger Ibn ʿUyayna. The latter reported that Mālik and Maʿmar took over their material from Zuhrī by copying manuscripts and reading them out (*ʿarḍan*), whereas he himself only took over material by listening (*samāʿ*),[64] possibly because he was, due to his age, only a novice in Zuhrī's circle.

The correspondence between early biographical traditions *about* Mālik and the results we obtained by investigating Mālik's transmission from his teachers as contained in the *Muwaṭṭaʾ* corroborates my assumption that Mālik's Zuhrī traditions in the *Muwaṭṭaʾ* are genuine, i.e., their content really does go back to Zuhrī. They deserve our trust until the contrary is proven, not the opposite, as Schacht demanded.

V. The Three Sources Compared

As we have shown, the investigation of the three earliest corpora containing large numbers of Zuhrī texts gives rise to the conclusion that the Zuhrī transmission of all of them cannot be considered as fabri-

[62] Dhahabī, *Tadhkira*, 1:212.

[63] Op. cit., 208. For a discussion of this report see also H. Motzki, "*Quo vadis Ḥadīṯ*-Forschung?," 65–67; "Whither *Ḥadīth* Studies?," 72–73 (in the following chapter).

[64] Ibn Ḥajar, *Tahdhīb*, 10:7–9.

cations of the compilators of these corpora, i.e., texts falsely ascribed to Zuhrī. This does not exclude the possibility that they may contain errors which crept in during the process of transmission. If it is true that Maʿmar's and Ibn Jurayj's transmissions found in ʿAbd al-Razzāq's *Muṣannaf* and Mālik's transmission in the *Muwaṭṭāʾ* independently go back to Zuhrī, then we could expect that these three transmission stocks contain, at least partially, similar materials. Whether this is the case will be examined now.

To start with, we have to record that, on the face of it, there are similarities and differences between the three transmission corpora. For example, Maʿmar's contains many more texts than the other two, yet this does not necessarily mean that its additional material is fabricated. To explain the difference, we can imagine that, for some reason, Mālik and Ibn Jurayj did not communicate everything they knew from Zuhrī and/or that they had learned less from him than Maʿmar had, maybe because they did not study with Zuhrī as long as Maʿmar did. The fact that in Maʿmar's corpus Zuhrī's *raʾy* predominates, whereas in Ibn Jurayj's and Mālik's corpora his traditions from earlier authorities are more frequent, may have similar causes or may mirror Maʿmar's stronger interest in Zuhrī's *raʾy*. Likewise, we can explain the different distribution of Zuhrī's informants in the traditions of the three text corpora. The fact, for example, that Ibn al-Musayyab and Sālim ibn ʿAbd Allāh ibn ʿUmar are more frequently mentioned in Maʿmar's Zuhrī traditions than in those of the other two can, perhaps, be explained by the observation that Ibn Jurayj transmits many Ibn al-Musayyab traditions from other informants, like Yaḥyā ibn Saʿīd, and many Ibn ʿUmar traditions from Nāfiʿ and Mūsā ibn ʿUqba (*ʿan* Nāfiʿ). He may have been less interested in Zuhrī's transmission from them. Something similar is true in Mālik's case. In addition, it is important to bear in mind that Mālik often does not mention his informants for the traditions from the Successors, though, in many cases, Zuhrī probably is Mālik's source for them.

A comparative analysis of the texts (*mutūn*) contained in the three corpora will offer more substantiated conclusions. For the sake of clarity, I distinguish between Zuhrī's *raʾy* and his traditions. The question I will answer first is: How similar are the texts reproducing Zuhrī's *raʾy* contained in the three copora?

If the Zuhrī transmission by Ibn Jurayj is compared to the one by Maʿmar from this point of view, the result is that more than half of all *raʾy* texts transmitted by Ibn Jurayj have a parallel in Maʿmar's corpus.

Most of them have the same content, i.e., differ only in the choice of words or in the fullness of the text; some texts are completely identical; others deal with a somewhat diverging point of the same legal issue; obvious contradictions are only rarely found. Here are some examples:

In his *Muṣannaf* ʿAbd al-Razzāq often reproduces sayings (*dicta*) of Zuhrī which are transmitted by both Maʿmar and Ibn Jurayj in the same or very similar words by quoting only one text in full, as a rule that of Maʿmar, and giving from the other one only the *isnād*, for example "ʿ*an* Ibn Jurayj ʿ*an* Ibn Shihāb" together with the remark "*mithlahu*" (the same).[65] Examples of texts with the same content but different wording are:

a) ʿAbd al-Razzāq from Maʿmar from Zuhrī: There is no objection marrying a free [woman] in addition to a slave woman, [but] it is not permitted to marry a slave woman in addition to a free [wife]. If [a man], married already to a free woman, marries a slave woman, he must be separated (*furriqa*) from the slave woman and he is to be punished. If he marries a free woman in addition to a slave woman while she knows that he is [already] married to a slave woman, she has the right to the same number (*qisma*) [of nights] and maintenance. [But] if she married [him] without knowing that he is married to a slave woman, she has the right to decide: If she wants, she can separate from him or stay with him.[66]

b) ʿAbd al-Razzāq from Ibn Jurayj; he said: Ibn Shihāb transmitted to me about the free woman who is married [by a man] in addition to a slave woman: The *sunna* concerning the [woman] with whom a free man does that [i.e., marries her] is that the free man is not permitted to marry a slave woman if he finds the financial means (*ṭūl*) to [marry] a free woman.[67] If he does not find the financial means, marriage with a slave woman is allowed. If he then marries a free woman in addition to her [the slave woman], he can do that provided that the free woman knows that he is [already] married to a slave woman. If she did not know, the free woman can choose between separation from him and staying with him for the same number (*qisma*) [of nights] and maintenance. [However,] if he marries a slave woman in addition to her [the free woman], she [the slave woman] will be taken away from him, and he will be punished.[68]

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[65] See ʿAbd al-Razzāq, *Muṣannaf*, 7:12243, 12244, 13595, 13596, 13807, 13808.
[66] ʿAbd al-Razzāq, *Muṣannaf*, 7:13095.
[67] For this sentence there is also a special transmission by Maʿmar; cf. ʿAbd al-Razzāq, *Muṣannaf*, 7:13081 (13080).
[68] ʿAbd al-Razzāq, *Muṣannaf*, 7:13096.

Differences such as the large number of texts tallying only in content but not in wording show that the texts did not result from copying of manuscripts but from notes made during and/or after the lessons. Such a procedure appears to have been quite normal for the type of legal teaching in which questions were asked and legal problems were discussed (as opposed to *ḥadīth* instruction where texts were recited or read out). The fact that occasionally a different point of a legal issue is emphasised may reflect different personal interests and individual students' different background knowledge. Furthermore, we have to take into account that our three transmitters of Zuhrī's legal opinions (Maʿmar, Ibn Jurayj and Mālik) probably did not study with him at the same time so that their different presentations of the material may be due to Zuhrī himself who, perhaps, did not always express his doctrines in exactly the same words.

The rare parallel texts in which obvious contradictions appear are not easily explained. An example:

a) ʿAbd al-Razzāq from Maʿmar from Zuhrī about the one who gratifies his sexual desires with an animal (*yaʾtī al-bahīmata*). He said: "He must be flogged 100 times; it does not matter whether he is *muḥṣin* (*aḥṣana*), [i.e., has been married before] or not."[69]

b) ʿAbd al-Razzāq said: Ibn Jurayj transmitted to us; he said: Ibn Shihāb told about a man who cohabitates with a gregarious animal (*yaqaʿu ʿalā l-bahīmati min al-anʿām*) the following: "I have not heard a *sunna* about it, but we consider him like the one who has illegitimate sexual intercourse [with a human being] (*al-zānī*); it does not matter whether he is *muḥṣin* (*aḥṣana*) or not."[70]

In the last text the punishment is not mentioned expressly, but we can infer it, for only the *zānī* who is *not muḥṣin* is flogged while the *muḥṣin* is stoned.[71] Obviously, there is a contradiction between both texts. It is not easy to tell how this came about. We can imagine a change of mind on Zuhrī's part, which would not be at all unusual,[72] or a misunderstanding by one of the pupils who transmitted the text.

[69] ʿAbd al-Razzāq, *Muṣannaf*, 7:13498. For the concept of *iḥṣān* see H. Motzki, "*Wal-muḥṣanātu mina n-nisāʾī illā mā malakat aimānukum* (Koran 4:24) und die koranische Sexualethik" (with further literature).

[70] ʿAbd al-Razzāq, *Muṣannaf*, 7:13500.

[71] See, among others, the Zuhrī texts collected by ʿAbd al-Razzāq under the title "*Bāb al-rajm wa-l-iḥṣān*"; *Muṣannaf*, VII, 315 ff.

[72] For similar cases concerning ʿAṭāʾ ibn Abī Rabāḥ see Motzki, *Die Anfänge der islamischen Jurisprudenz*, 85; *The Origins of Islamic Jurisprudence*, 93.

When Mālik's quotations of Zuhrī's *raʾy* found in the *Muwaṭṭaʾ* are compared with Maʿmar's and Ibn Jurayj's *raʾy* transmissions from Zuhrī contained in the *Muṣannaf*, the correspondences are even higher (80%) than between Maʿmar and Ibn Jurayj. Here, too, completely identical texts are rather unusual; the majority only have the same content; and we occasionally find contradictions as well. The causes of the sometimes smaller, sometimes bigger differences are probably the same as mentioned above.

An example of identical and similar texts:

a) [Yaḥyā] transmitted to me from Mālik from Ibn Shihāb that he said: "Every divorced woman has the right to an allowance (*mutʿa*)."[73]

b) [ʿAbd al-Razzāq from][74] Maʿmar from Zuhrī; he said: "Every divorced woman has the right to an allowance (*mutʿa*)."[75]

c) ʿAbd al-Razzāq from Ibn Jurayj[76] from Ibn Shihāb; he said: "The allowance is the same for the woman who had marital intercourse and for the one who had not." He said [moreover]: "They both have the right to allowance."[77]

An example of contradictory texts:

a) Yaḥyā transmitted to me from Mālik, that he asked Ibn Shihāb about the oath [of sexual abstinence] (*īlāʾ*) of a slave [concerning his wife]. He [Ibn Shihāb] said: "It is like the *īlāʾ* of the free man; it is binding, [but] the *īlāʾ* of the slave [covers only] two months."[78]

b) ʿAbd al-Razzāq from Maʿmar from Zuhrī; he said: "The slave's oath [of sexual abstinence] to a slave woman [covers] four months."[79]

The facts that such contradictions are an exception and that the majority of the Zuhrī *dicta* expressing his *raʾy* correspond in content corroborate my conclusion that all three source corpora contain genuine traditions of Zuhrī's *raʾy*. It is very unlikely that the three compilators – one living in Ṣanʿāʾ, another in Mecca and the third in Medina – independently of one another can have ascribed arbitrarily so many simi-

[73] Mālik, *Muwaṭṭaʾ*, 29:46.
[74] Lacking in the manuscript probably due to an transmission error.
[75] ʿAbd al-Razzāq, *Muṣannaf*, 7:12238.
[76] The text of the edition has Maʿmar, but this is certainly an error, for in Maʿmar's *asānīd* the name Zuhrī is always used.
[77] ʿAbd al-Razzāq, *Muṣannaf*, 7:12239.
[78] Mālik, *Muwaṭṭaʾ*, 29, chap. 7.
[79] ʿAbd al-Razzāq, *Muṣannaf*, 7:13190.

lar texts to Zuhrī. In this case of forgery contradictions would occur more frequently. Another possible assumption, namely that all three scholars actually obtained their material from the same "counterfeit workshop" or fell victim to a wandering "pious swindler" who circulated fabricated Zuhrī doctrines, and that they then concealed the source of their material by suppressing the names of their informants in the *asānīd*, is unconvincing as well. Schacht assumed this for a part of Mālik's Zuhrī transmission, though he did not suspect Mālik of *pia fraus* expressly. The practical difficulties of this hypothesis apart, in such a case we could expect more correspondence in wording between the texts of the transmitters.

Perhaps, Schacht would have gone so far as to recognise as genuine the complete *raʾy* of Zuhrī as transmitted by Mālik, but in the case of his Zuhrī traditions from earlier authorities no compromise was possible for Schacht, for this would have contradicted his ideas about the development of Islamic jurisprudence. What can be said about Zuhrī's *āthār* and *aḥādīth* in our three early sources? An extensive comparison of the numerous texts would be desirable but cannot be done in the framework of this essay. Such a comparison should consist of a synopsis of the traditions corresponding in content; it should underline the differences and suggest explanations for them. However, a few results of such an investigation will at least be presented and illustrated with examples.

Taking Mālik's *Muwaṭṭaʾ* as a starting point we can detect that for the majority (85%) of his texts in which Ibn Shihāb functions as transmitter for earlier authorities there are parallel texts in the corpora of Maʿmar and/or Ibn Jurayj. A minority of texts is transmitted only by the latter two or by one of the three scholars alone. The correspondence varies from identical texts to only a vague resemblance in content. I cannot detect any difference in variation concerning certain types of traditions such as those referring to the *tābiʿūn* generation, the *ṣaḥāba* or the Prophet. From the point of view of literary genres, short legal maxims are found beside elaborated cases and detailed narratives (*qiṣaṣ*).

These facts provide evidence against the suspicion, held by Schacht and others, that the traditions labelled as Zuhrī transmissions in the *ḥadīth* compilations emerged only after his death, and that they were falsely ascribed to him and happened to reach the authors of our three compilations by oral transmission – oral because of the many differences between the texts. Firstly, the body of Zuhrī traditions is too large

to fit this theory. Secondly, the period of time between Zuhrī's death (124/742) and the 'publication' of our three authors' compilations is too short. They probably composed their works some time before their deaths. Ibn Jurayj was already dead by 150/767 and Maʿmar died in 153/770. Mālik's *Muwaṭṭaʾ* must have existed around 150 at the latest because Shaybānī, who was born in 132/750,[80] probably received his version of the *Muwaṭṭaʾ* as a young student of Mālik's – according to biographical reports at the age of 20.[81] The year 150 can be considered, therefore, as the *terminus ante quem* of the existence of all three compilations; but most probably they had already been compiled much earlier. If this is accepted, it remains difficult to explain how the three authors, who lived far away from one another, came into possession of this huge number of texts, which are similar in content but often vary in wording, if one assumes at the same time that the texts were forged by others. Finally, it seems a very odd coincidence that each of the three compilers suppressed their real informant(s) or their common source(s) as if they had agreed to this fraud.

In the following I shall present an example to show the differences between the Zuhrī traditions in our three corpora and to clarify the conclusions reached so far.

a) [Yaḥyā] transmitted to me from Mālik from Ibn Shihāb from Saʿīd ibn al-Musayyab and Sulaymān ibn Yasār, that Ṭulayḥa al-Asadiyya[82] was married (*kāna taḥta*) to Rushayd al-Thaqafī. He divorced her and she remarried in her waiting period.[83] 'Umar ibn al-Khaṭṭāb had her and her husband flogged (*ḍaraba*) with an oxen scourge (*mikhfaqa*) and he sentenced them to be separated (*farraqa baynahumā*). Then, ʿUmar ibn al-Khaṭṭāb said: "If a woman (*ayyumā mraʾatin*) marries during her waiting period and if the man who married her has not consummated the marriage (*dakhala bihā*) [yet], both must be separated (*furriqa baynahumā*); she must [first] observe the remaining part (*baqiyya*) of her waiting period of [the marriage with] her first husband and then the second man can marry her again (*kāna khāṭiban min al-khuṭṭāb*). [However,] if he has consummated the marriage with her, both must be separated; she must observe [first]

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[80] See the introduction by ʿAbd al-Wahhāb ʿAbd al-Laṭīf, the editor of Shaybānī's *Muwaṭṭaʾ* recension, 22.

[81] Op. cit., 23. As sources Dhahabī's *Manāqib Abī Ḥanīfa* and Khaṭīb al-Baghdādī's *Taʾrīkh Baghdād* are mentioned (note 2).

[82] Sh: "the daughter of Ṭalḥa ibn ʿUbayd Allāh" instead of Ṭulayḥa al-Asadiyya. The letter Sh refers to Shaybānī's *riwāya* of the *Muwaṭṭaʾ*.

[83] Sh adds: Abū Saʿīd ibn Munabbih or Abū l-Julās ibn Munayya.

what remains of the waiting period of [the marriage with] her first husband, than the waiting period of the second one, and then both are forbidden to marry another again for ever (*lā yajtamiʿāni*)."[84]

Mālik said:[85] Ibn al-Musayyab said: "She [the woman in the last case] is entitled to her bride wealth [as compensation] for what was permitted to him from her[86]."[87]

In the notes, the differences found in Shaybānī's *Muwaṭṭaʾ* recension are given. These differences consist of additions, varying names, and variations in the text that sometimes look like specifications and sometimes like errors. The omission or suppression of the words "*qāla* Mālik" before the Ibn al-Musayyab *dictum*, added at the end of the text, means that it is to be understood as a constituent part of Ibn Shihāb's transmission. Originally this additional remark to the tradition from ʿUmar was probably anonymous, like so many of Mālik's references to Ibn al-Musayyab found in Yaḥyā's *Muwaṭṭaʾ* version.[88] All in all, the correspondence between both variants of Mālik's text is so close that it must have been recorded in writing. Let us have a look at the parallels:

b) ʿAbd al-Razzāq from Maʿmar from Zuhrī from Ibn al-Musayyab, that Ṭulayḥa bint ʿUbayd Allāh married (*nakaḥat*) Rushayd al-Thaqafī in her waiting period. ʿUmar had them flogged (*jalada*) with a whip (*dirra*). He decided (*qaḍā*): "If a man (*ayyumā rajulin*) marries a woman during her waiting period and consummates the marriage with her (*aṣābahā*), both must be separated (*yufarraqu baynahumā*); then, both are forbidden to marry another again (*yajtamiʿāni*); she must complete (*tastakmilu*) what remains (*bāqiyyata*) of the waiting period [of the marriage with] the first [husband] and then turn (*tastaqbilu*) to her waiting period of [the marriage with] the second one. [However,] if he has not [yet] consummated the marriage with her (*lam yuṣibhā*), both must be separated (*yufarraqu baynahumā*) until she has completed (*tastakmilu*) what remains of the waiting period of [the marriage with] the first [husband]; then, he [the second one] can marry her again (*yakhṭubuhā maʿa l-khuṭṭāb*)."

Zuhrī said: "I do not know how many [lashes] that flogging amounted to." He said [moreover]: "ʿAbd al-Malik had both of them flogged

[84] Sh: *lam yankaḥhā*.
[85] in Sh lacking.
[86] Sh: from her vagina.
[87] Mālik, *Muwaṭṭaʾ*, 28:27; idem, *Muwaṭṭaʾ* (Sh), no. 545.
[88] This does not preclude that Mālik, nevertheless, received the tradition from Zuhrī.

with 40 lashes in that [i.e., such a case]. Qabīṣa ibn Dhuʾayb was questioned on it [ʿAbd al-Malik's verdict]. He said: "If you had diminished it and flogged each of them with 20 lashes [, it would have been more appropriate]."[89]

c) ʿAbd al-Razzāq from Maʿmar from Zuhrī from Sulaymān ibn Yasār, that ʿUmar ibn al-Khaṭṭāb imposed her complete bride wealth on the one [who] had married her during her waiting period [as compensation] for the claim he had (*istaḥaqqa*) on her [to sexual intercourse]; both must be separated (*yufarraqu baynahumā*); both are forbidden to marry again (*yatanākaḥāni*) for ever, and she must observe her waiting period (*taʿtaddu*) of both [marriages].[90]

d) ʿAbd al-Razzāq from Maʿmar from Zuhrī, that Sulaymān and Ibn al-Musayyab had different opinions. Zuhrī said: [Ibn al-Musayyab said:][91] "She is entitled to her bride wealth." Sulaymān said: "Her bride wealth goes to the treasury (*bayt al-māl*)."[92]

The comparison between the *Muwaṭṭaʾ* text and Maʿmar's version from Ibn al-Musayyab (text b), both of them certainly deriving from a common source, supports our hypothesis that some of Shaybānī's deviations from Yaḥyā's text are specifications and others are mistakes. The original name in Zuhrī's traditions was certainly Ṭulayḥa, perhaps even Ṭulayḥa ibn ʿUbayd Allāh; "al-Asadiyya" seems to be an addition by Yaḥyā; Shaybānī added the *nasab* (*bint* Ṭalḥa ibn ʿUbayd Allāh).[93] The problem is that the two notions are incompatible, for Ṭalḥa ibn ʿUbayd Allāh was of Taym ibn Murra, not of Asad. Maʿmar's "Ṭulayḥa bint ʿUbayd Allāh" completes the confusion, but it is probably the original version because it is corroborated by another early tradition, that of ʿAbd al-Karīm [al-Jazarī] (d. 127/745),[94] transmitted by Ibn Jurayj (here the woman is called "Ṭulayḥa bint ʿUbayd Allāh, the sister of Ṭulayḥa ibn ʿUbayd Allāh").[95] Uncertainty about the reading of a hand-written text lacking diacritical points may have led to

[89] ʿAbd al-Razzāq, *Muṣannaf*, 6:10539.
[90] ʿAbd al-Razzāq, *Muṣannaf*, 6:10544.
[91] This name was probably lost, as the context of the traditions show.
[92] ʿAbd al-Razzāq, *Muṣannaf*, 6:10538.
[93] For Ṭalḥa ibn ʿUbayd Allāh, one of the prominent Companions, see W. Madelung, "Ṭalḥa b. ʿUbayd Allāh."
[94] For this scholar and the problems of identification see Motzki, *Die Anfänge der islamischen Jurisprudenz*, 202–204; *The Origins of Islamic Jurisprudence*, 226–231.
[95] ʿAbd al-Razzāq, *Muṣannaf*, 6:10541. Ibn Saʿd mentions a man called Ṭulayḥa al-Asadī in his *Ṭabaqāt*, but gives no further information about him.

doubts about the correct name of the second husband (Ibn Munabbih or Ibn Munayyah) which appears only in Shaybānī's version.

Maʿmar's and Mālik's versions are hardly the result of copying the same manuscript. The differences not only in vocabulary but also in the sequence of the arguments are too great for such an assumption. That means either that one or both transmitters obtained the text by oral transmission – this does not exclude the possibility that also written notes were used as memory aids – or that Zuhrī did not always tell the tradition in exactly the same form, or that both possibilities occurred at the same time.

Maʿmar reports the caliph ʿUmar's verdict in two very different versions from two different informants of Zuhrī's (Ibn al-Musayyab, Sulaymān ibn Yasār), whereas Mālik gives only one text from the same two scholars. This suggests that the state of affairs offered by Maʿmar is the more original one because it is not probable that two different persons told the same story in exactly the same words. The collective version of Ibn al-Musayyab and Sulaymān must have been created later, either by Zuhrī himself or – more likely – by Mālik. It was probably Mālik as well who deleted Sulaymān's opinion about the issue of who was entitled to the bride wealth due for the void marriage, because it neither corresponded to his own doctrine nor to that of Zuhrī, as can be inferred from another tradition.[96]

Ibn Jurayj's version of the story is as follows:

e) ʿAbd al-Razzāq from Ibn Jurayj; he said: Ibn Shihāb transmitted to me from [ʿUbayd Allāh ibn][97] ʿAbd Allāh ibn ʿUtba and Abū Salama ibn ʿAbd al-Raḥmān, that ʿUmar ibn al-Khaṭṭāb separated (*farraqa bayna*) a woman, who had married in her waiting period, from her husband. Then he decided (*qaḍā*): "If a woman (*ayyumā mraʾatin*) marries in her waiting period [but] her husband did not [yet] consummate the marriage (*lam yadkhul bihā*), both must be separated (*yufarraqu baynahumā*); she must complete what remains of her waiting period (*taʿtaddu mā baqiya*); when it is finished, the second man can marry her [again] (*khaṭaba fī l-khuṭṭāb*); if she wants she can marry him, if she does not want [anymore], she can abstain from it. [But] if he has consummated the marriage with her [already], then both are forbidden to marry (*yajtamiʿāni*) another again for ever; she must complete

[96] See ʿAbd al-Razzāq, *Muṣannaf*, 6:10551 (Maʿmar).

[97] This element of the name probably was dropped by carelessness during the later transmission of the text or the editing process. As a rule Zuhrī does not transmit from ʿAbd Allāh ibn ʿUtba.

> [first] her waiting period of [the marriage with] the first [husband], then observe the waiting period (*taʿtaddu*) of [the marriage with] the second one.[98]

In Ibn Jurayj's transmission, ʿUmar's *dictum* shows greater similarity in structure and vocabulary with Mālik's version than with Maʿmar's, though there are also variations. The historical introduction is missing, as well as the names of the persons involved, and, most oddly, two other persons are mentioned as Zuhrī's informants of the case. Must we conclude from these facts that Ibn Jurayj shortened the original text and consciously changed the names of Zuhrī's informants? Or did he forget the original version and then cover up the gap in his memory by producing arbitrarily two other names as informants? Such conclusions are not compelling. According to the biographical information mentioned above, Ibn Jurayj obtained most of his Zuhrī traditions not by hearing them from him or reading them out to him, but in written form – perhaps he even copied the manuscript of one of Zuhrī's students – together with an *ijāza*, i.e., a permission to transmit the material.[99] If this was so, fading memory cannot have been the cause of the differences in his version. Furthermore, Ibn Jurayj usually does not hesitate to admit memory gaps and mark them as such. If fading memory is not the cause, why then should he have fabricated the names? At least, this was not his habit, as I have shown elsewhere.[100]

If Zuhrī knew two different traditions about ʿUmar's judgment – Ibn al-Musayyab's and Sulaymān ibn Yasār's – it is possible that the story of the case was more widely known and that other Medinan scholars commented upon it as well, for example, the scholars mentioned by Ibn Jurayj. This is corroborated by the fact that the story is also reported from other people. Apart from Zuhrī, Ibn Jurayj transmits it from the ʿIrāqī scholar ʿAbd al-Karīm [al-Jazarī], who had been for some time a student of Ibn al-Musayyab's, and from the Meccan scholar ʿAmr [ibn Dīnār], who likewise had contacts with the Medinan *fuqahāʾ*, but Ibn Jurayj does not give the informants from whom these scholars obtained the tradition. Maʿmar quotes it in a short form through his Baṣran colleague Ayyūb [ibn Abī Tamīma] from the latter's teacher

[98] ʿAbd al-Razzāq, *Muṣannaf*, 6:10540.
[99] See above p. 16.
[100] See Motzki, *Die Anfänge der islamischen Jurisprudenz* and *The Origins of Islamic Jurisprudence*, passim.

Abū Qilāba, and Sufyān al-Thawrī transmits a reminiscence of it via Ḥammād from Ibrāhīm [al-Nakhaʿī].[101]

It is not plausible to assume that Zuhrī himself invented additional informants, for he could more easily have named them all in a collective *isnād* instead of fabricating special texts for them. At most, we can assume that Zuhrī could not always correctly remember his sources when quoting the story from memory. Such a hypothesis, however, seems less plausible than the idea that several different versions of one and the same case were in circulation. The peculiarity that Ibn Jurayj names informants other than Maʿmar and Mālik for Zuhrī's traditions can be explained, therefore, by the assumption that he reproduces variant traditions of Zuhrī's which are independent of those transmitted from him by Maʿmar and Mālik. The fact that the historical background of the case is lacking in Ibn Jurayj's version may be in its favour as well.

We have compared the variants of one single Zuhrī tradition about a verdict of the caliph ʿUmar ibn al-Khaṭṭāb as contained in three very early corpora of traditions. What is the final result of this comparison? 1) This tradition probably really comes from Zuhrī. So the story already circulated in the first quarter of the second century A.H. 2) Ibn Shihāb hardly invented it himself or picked it up from someone whose name he concealed, naming other persons as his informants, since he reports also the *ikhtilāf*, i.e., the differences of opinion of his informants, and he admits his ignorance concerning a detail of the story (the question as to how many lashes ʿUmar sentenced each of the culprits to).[102] 3) The story certainly goes back to the *tābiʿūn* generation, i.e., dates from the last quarter of the first century A.H. Having regard to the early date, it shows a considerably high level of literary skill and legal reflection. The story contains many formal elements that, according to Schacht's criteria, are to be considered late or secondary: a. an introduction containing narrative elements (*qiṣṣa*) and names of the persons involved in the case; b. a very long and complex legal sentence which not only offers a solution in a concrete case – here, a marriage

[101] ʿAbd al-Razzāq, *Muṣannaf*, 6:10541, 10542, 10543. In the first two texts "Rushayd al-Thaqafī" appears as the name of the second husband. This accords with Maʿmar's version (see text b) and this was probably Ibn al-Musayyab's text. Mālik's version seems to be due to a mistake.

[102] See the text b of Maʿmar on pp. 31–32.

concluded during the waiting period – but also reflects hypothetical conditions which may be relevant in similar cases (the marriage during the waiting period with or without consummation). 4) The *dictum*, which in Mālik's version consists of 47 words, is not in accordance with the short "legal maxims" which Schacht put at the beginning of the development of Islamic jurisprudence. Yet the *dictum* belongs to its beginnings. This shows that a reconstruction of the development of the *fiqh* that is based primarily on the text (*matn*) of the legal traditions does not lead to reliable results. 5) If it is true that the case and its solution by ʿUmar were transmitted in varying versions by different *fuqahāʾ* of the *tābiʿūn* generation, the story must go back to a common source or have a historical core. Since there is no circumstantial evidence for a common source, we must assume a historical core, even if none of Zuhrī's informants can have really experienced the time of ʿUmar's caliphate because of their age, let alone have witnessed the case in question. We can imagine that the tradition transmitted by Zuhrī from Sulaymān ibn Yasār (text c) relates the historical core, i.e., the concrete case and the caliph's solution. The extension to the hypothetical cases of whether consummation occurred or not and the questions of how to deal with the waiting periods and whether remarriage is possible may be the result of the discussion that took place afterwards among the *fuqahāʾ* who transmitted the case. We cannot be certain whether the concrete case was really solved by the second caliph in the form reported, since none of the transmitters was an eyewitness. But the possibility that ʿUmar dealt with such a case cannot be ruled out. In view of the early date of the tradition it is more than just a possibility.

VI. A Prophetic *Ḥadīth* by Zuhrī

Our analysis of a Zuhrī tradition about ʿUmar has shown that there are Companion traditions that can be dated to the last quarter or even the last half of the first century A.H., a possibility which Schacht categorically excluded. This is only one of several cases of early Companion traditions. But what should we think of Zuhrī's *aḥādīth* from the Prophet which, according to Schacht, belong in principle to a still younger stage of legal development than the Companion traditions? This issue will be discussed in the following on the basis of another example.

a) Yaḥyā transmitted to me from Mālik from Ibn Shihāb, that (*annahu*)[103] he was asked about the suckling of adults (*raḍāʿat al-kabīr*); he said: ʿUrwa ibn al-Zubayr transmitted to me:
Abū Ḥudhayfa ibn ʿUtba ibn Rabīʿa –[104] he belonged to the Companions of the messenger of God (eulogy)[105] and[106] took part in [the battle of] Badr[107] – had adopted Sālim,[108] who was called Sālim, the *mawlā* of Abū Ḥudhayfa, just as the messenger of God (eulogy) had adopted[109] Zayd ibn Ḥāritha.[110] Abū Ḥudhayfa had married Sālim,[111] whom he considered his son, with the daughter[112] of his brother, Fāṭima bint al-Walīd ibn ʿUtba ibn Rabīʿa.[113] She belonged at that time[114] to the first emigrants and to the noblest (*min afḍal*) unmarried women of Quraysh. When God (eulogy)[115] revealed in his book[116] what he revealed about Zayd ibn Ḥāritha[117] and said:[118] "Call them after their fathers! That is more equitable in God's eyes. If you do not know their fathers, then [let them be] your brothers in faith and your clients (*mawālī*),"[119] every one[120] of those [adopted sons][121] was traced back to his father; [but] if his father was unknown,[122] he was traced back (*rudda*) to his patron (*mawlā*).[123]
Sahla bint Suhayl – she was[124] Abū Ḥudhayfa's wife and belonged to the Banū ʿĀmir ibn Luʾayy – came to the messenger of God (eulogy)[125]

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[103] Sh: *wa*. The translation is based on Yaḥyā ibn Yaḥyā's recension of the *Muwaṭṭaʾ*. The differences found in the versions of Shaybānī and ʿAbd al-Razzāq are given in the notes. The letters ʿA refer to ʿAbd al-Razzāq's *riwāya* from Mālik, the letter Sh again to Shaybānī's text.
[104] Sh: *wa* is missing.
[105] ʿA: *wa-kāna min aṣḥāb* ff. is missing.
[106] Sh: *wa* is missing.
[107] ʿA: *wa-kāna Badriyyan* instead of *wa-kāna qad shahida Badran*.
[108] ʿA: *la-kannā* (?) instead of *tabannā*.
[109] ʿA: *kannā* instead of *tabannā*. Sh: *kamā tabannā* ff is missing.
[110] ʿA: "ibn Ḥāritha" is missing.
[111] Sh: both names are missing.
[112] ʿA: *ibnat* instead of *bint*.
[113] ʿA: "ibn Rabīʿa" is missing.
[114] ʿA: *yawmaʾidhin* is placed before *min afḍal*.
[115] Sh: without eulogy. ʿA: *ʿazza wa-jalla* instead of *taʿālā*.
[116] Sh: *fī kitābihi* is missing.
[117] Sh: "ibn Ḥāritha" is missing. ʿA: *dhālika* instead of *fī kitābihi* ff.
[118] Sh/ʿA: *fa-qāla* is missing.
[119] Qurʾān 33:5. Sh: *fa-in lam taʿlamu* ff. is missing. ʿA: *al-āya* instead of *huwa aqṣaṭu* ff.
[120] Sh: *aḥad* instead of *wāḥid*.
[121] Sh: *tubunniya* instead of *min ulāʾika*. ʿA: *siyy* (?) is added.
[122] Sh: *lam yakun yuʿlamu* instead of *lam yuʿlam*.
[123] Sh/ʿA: *mawālīhi*.
[124] Sh: *wa-hiya* is missing.
[125] Sh: *fī mā balaghanā* is added. ʿA: *ilā rasūli llāhi* is missing.

and said: "Messenger of God![126] We considered[127] Sālim as [our] son (*walad*) and he was used to come in to me [even] when I was in underwear (*wa-anā fuḍul*); we have only one house (*bayt*) [in which we cannot live together since Sālim is not our son anymore]. What[128] is your opinion about his case?[129]

The messenger of God[130] (eulogy) said to her:[131] "Suckle him [i.e., give him from your milk] five times (*khams raḍāʿāt*)!" So he became prohibited (*yaḥrumu*)[132] [to marry her] through her milk[133] and she regarded him as a "milk son" (*ibnan min al-raḍāʿa*) [and consequently he could frequent her without restrictions].

ʿĀʾisha, the "mother of the believers"[134] adopted [that method] with the men she wanted[135] to be able to come to see her, and she ordered her sister[136] Umm Kulthūm bint Abī Bakr al-Ṣiddīq[137] and the daughters of her brother to suckle whichever men[138] she wanted to come in to see her.[139]

The other wives of the Prophet (eulogy) refused to let anyone[140] come in to them on the basis of that [form of] suckling. They said:[141] "No,[142] by God! We consider that what the messenger of God (eulogy)[143] ordered Sahla bint Suhayl[144] [to do] only as a permission of the messenger of God (eulogy)[145] for the suckling of Sālim alone.[146] No,[147] by God! Nobody can come in to us by this [form of] suckling."

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[126] Sh: *yā rasūla llāh* is missing.
[127] ʿA: *anna* is added.
[128] Sh: *mā* instead of *mādhā*.
[129] ʿA: *fī shaʾnihi* is missing; *qāla Zuhrī* is added.
[130] ʿA: *rasūlu llāhi* is missing.
[131] Sh/ʿA: *fī mā balaghanā* is added. ʿA: *wa-llāhu aʿlamu* is added.
[132] Sh/ʿA: *taḥarrama*.
[133] Sh: *bi-labanika aw bi-labanihā*.
[134] Sh/ʿA: *umm al-muʾminīn* is missing.
[135] ʿA: *turīdu* instead of *tuḥibbu*.
[136] Sh/ʿA: *ukhtahā* is missing.
[137] Sh: "bint Abī Bakr al-Ṣiddīq" is missing. ʿA: *ibnat* instead of *bint*, "al-Ṣiddīq" is missing.
[138] Sh/ʿA: *an* is missing; *lahā* is added.
[139] Sh: *aḥbabna* instead of *aḥabbat, min al-rijāl* is missing.
[140] ʿA: *aḥadun min al-nās* is missing.
[141] Sh: *li-ʿĀʾisha* is added. ʿA: *wa* is missing.
[142] Sh/ʿA: *lā* is missing.
[143] ʿA: *nabī* instead of *rasūlu llāh*, *bihi* follows the subject, not the predicate.
[144] ʿA: "bint Suhayl" is missing.
[145] Sh: *min rasūli llāhi* comes only at the end of the sentence; *lahā* is added. ʿA: *min rasūli llāhi* is missing.
[146] ʿA: end of the text.
[147] Sh: *lā* is missing.

> This was the practice (*ʿalā hādhā kāna*)[148] of the wives of the Prophet (eulogy)[149] concerning the suckling of adults.[150]

I have presented Mālik's text in three versions: the one transmitted by Yaḥyā ibn Yaḥyā and, in the notes, the differences of the transmissions by Shaybānī and ʿAbd al-Razzāq. The differences between the two latter versions and Yaḥyā's may be summarised as follows: shorter texts; some insignificant additions; a few other verbal forms which may be due to copyist errors; and other titles for the Prophet. Yaḥyā's version seems to offer, to a large extent, the more original text, but it has additions in some places (for example, more complete names) where Shaybānī's and ʿAbd al-Razzāq's texts correspond to one another against Yaḥyā. In spite of the differences, the texts of the three variants correspond to such a high degree that they must be the result of essentially written transmission from a common source that can be identified as Mālik's teaching. Whether the differences between the three versions, for example, the varying length of the quotations from the Qurʾān, are due to the students or to a varying transmission by Mālik himself, remains uncertain.

An important difference in ʿAbd al-Razzāq's transmission, not marked in my translation of the text, concerns the *isnād*. Yaḥyā introduces the tradition with "*ʿan* Mālik *ʿan* Ibn Shihāb…*fa-qāla: akhbaranī*…", Shaybānī has "*akhbaranā* Mālik, *akhbaranā* Ibn Shihāb…*fa-qāla: akhbaranī*…" and in both cases the *isnād* ends with ʿUrwa ibn al-Zubayr. ʿAbd al-Razzāq, on the contrary, has the *isnād*: *ʿan* Mālik *ʿan* Ibn Shihāb *ʿan* ʿUrwa *ʿan* ʿĀʾisha. This leads one to the conclusion that ʿAbd al-Razzāq, who offers a more complete *isnād* from Mālik than Mālik's two other students, is responsible for the addition "*ʿan* ʿĀʾisha". For what reason can he have added it? To provide the tradition with an unbroken transmission chain? This seems doubtful in view of the hundreds of *aḥādīth* that ʿAbd al-Razzāq transmits from the Prophet with a defective *isnād*. It is also difficult to imagine that ʿAbd al-Razzāq has not noticed that the story as a whole cannot pos-

[148] Sh: *raʾy* is added.
[149] Sh: *rasūli llāh* instead of *al-nabī*.
[150] Mālik, *Muwaṭṭaʾ*, 30:12; *Muwaṭṭaʾ* (Sh), no. 627. ʿAbd al-Razzāq, *Muṣannaf*, 13886. We must imagine the "suckling" of adults in the form of putting drops of mother milk into a dish or a drink.

sibly have been told by ʿĀʾisha because she is mentioned in it not in the first, but in the third person.

A first clue to the solution of this problem is offered by the analysis of the text which is, by the way, one of the most elaborate stories among Mālik's legal traditions. By dividing the translation of the text into paragraphs, I have tried show that it consists of four independent stories. The tradition starts with the story of Abū Ḥudhayfa and his adopted son Sālim that is a sort of prologue for the following story about Sahla and the *fatwā* of the Prophet. Two reports about the practice of the Prophet's wives are added; the first concerns only ʿĀʾisha, the second deals with the other wives of the Prophet. The composition is closed by a concluding sentence that recalls again the topic of the entire tradition.

In view of this skilful composition, the issue of authorship must be broken down into the question of who is the author of the entire composition and who are the authors of its different parts. The question whether it was Mālik, Zuhrī or ʿUrwa who tied the discrete traditions together cannot be answered on the basis of Mālik's text. A comparison with other early versions of the tradition will take us a step further.

b) ʿAbd al-Razzāq from Maʿmar from Zuhrī from ʿUrwa from ʿĀʾisha; she said: Sahla bint Suhayl ibn ʿAmr came to the Prophet (eulogy) and said: "Sālim used to be called (*yudʿā*) after Abū Ḥudhayfa and [now] God (eulogy) has revealed in his book: 'Call them after their fathers!' He used to come in to me while I was in underwear (*fuḍul*) [and this was inevitable since] we live [together] in a flat (*manzil*)." The Prophet (eulogy) said: "Suckle Sālim [so that] you are forbidden (*taḥrumī*) for him."

   Zuhrī said: Some of the Prophet's (eulogy) wives said: "We do not know whether this was only a permission granted for Sālim alone (*khāṣṣatan*) [or not]."

   Zuhrī said [moreover]: Until she died, ʿĀʾisha used to give the legal advice (*tuftī*) that suckling after weaning makes forbidden [for marriage].[151]

c) ʿAbd al-Razzāq transmitted to us; he said: Ibn Jurayj transmitted to us; he said: Ibn Shihāb transmitted to me (*akhbaranī*); he said: ʿUrwa transmitted to me from ʿĀʾisha: Abū Ḥudhayfa adopted Sālim – he was a client (*mawlā*) of a woman from the Anṣār – just as the Prophet (eulogy) [adopted] Zayd. If someone adopted a man in the

[151] ʿAbd al-Razzāq, *Muṣannaf*, 7:13885.

> Jāhiliyya, people called him his son and he inherited from his inheritance. [This was the habit] until God (eulogy) revealed: "Call them after their fathers. If you do not know their fathers, then [let them be] your brothers in faith." So they were traced back to their fathers [and] whoever's father was unknown, [became] a client (*mawlā*) and a brother in faith. After it [the revelation] Sahla came [to the Prophet] and said: "Messenger of God! We were used to consider Sālim as [our] son (*walad*) who lived together with us and saw me in underwear (*fuḍul*). God has [now] revealed what you know." The Prophet said: "Suckle him five times (*khams raḍaʿāt*)." So he acquired the status of her "milk son".[152]

These two Zuhrī traditions, the one by Maʿmar and the other by Ibn Jurayj, are undoubtedly parallel texts to Mālik's. Ibn Jurayj's text is limited, however, to a shortened version of the Sahla story and its prologue and it ignores the reactions of the Prophet's wives to his *fatwā*. The three texts correspond mainly in content, even though many correspondences in wording occur. There are also contradictions. According to Maʿmar, for example, the wives of the Prophet (apart from ʿĀʾisha) confessed that they did not know whether the *fatwā* of the Prophet was meant generally, whereas in Mālik's version they vehemently reject its general interpretation. This difference can be ascribed to an imprecise way of retelling the story, since Maʿmar did know the negative attitude of the other wives of the Prophet as well, as we shall see below. Ibn Jurayj's and Maʿmar's versions tally with each other against Mālik's in that they trace the Sahla story back via ʿUrwa to ʿĀʾisha. Since two students independently report this *isnād* from Zuhrī, it must be his. This finding helps us to answer the question, asked above, as to why ʿAbd al-Razzāq completed Mālik's *isnād*. It seems likely that he did so because he realised that in Zuhrī's transmission the core of the tradition, the Sahla story, was originally ascribed to ʿĀʾisha, rather than because he wanted to fake an unbroken transmission chain for a *ḥadīth* of the Prophet.

In Maʿmar's version, Zuhrī does not refer explicitly to ʿUrwa when reporting the legal opinions of ʿĀʾisha and the other wives of the Prophet.[153] We can only infer from Maʿmar's *isnād* of the Sahla story that ʿUrwa may be Zuhrī's informant for these parts as well. Yet there is a way to become certain about it. Ibn Jurayj who, as mentioned

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152 ʿAbd al-Razzāq, *Muṣannaf*, 7:13887.

153 He does not speak of a practice of ʿĀʾisha in Maʿmar's version.

above, does not say anything about an opinion or practice of ʿĀʾisha in his Zuhrī tradition, reports from his teacher ʿAṭāʾ ibn Abī Rabāḥ the following:

> I heard ʿAṭāʾ when he was being asked. A man told him: "A woman let me drink from her milk after I had become a grown up man. May I marry her?" [ʿAṭāʾ] said: "No." I said [to him]: "Is this your *raʾy*?" He said: "Yes." ʿAṭāʾ said [moreover]: "ʿĀʾisha ordered [to do] that to the daughters of her brother (*kānat ʿĀʾisha taʾmuru bi-dhālika banāti akhīhā*)."[154]

The last sentence is obviously a reference to the tradition about ʿĀʾisha as it is found in Mālik's version of Ibn Shihāb's ʿUrwa tradition concerning the suckling of adults. But who isʿAṭāʾ's source for it? As ʿUrwa was an older contemporary of ʿAṭāʾ's and, explicitly, his informant for several traditions, we can assume that he was ʿAṭāʾ's source for this tradition as well, whereas we can exclude ʿAṭāʾ's having heard it from the younger Zuhrī, from whom, as far as I know, he did not transmit.

Was ʿUrwa also Zuhrī's source for the opinion of the other wives of the Prophet? This cannot be ruled out completely, but it seems doubtful in view of a Zuhrī tradition transmitted by Ibn Saʿd via Wāqidī from Maʿmar:

> Muḥammad ibn ʿUmar transmitted to me; Maʿmar and Muḥammad ibn ʿAbd Allāh transmitted to me from Zuhrī from Abū ʿUbayda from ʿAbd Allāh ibn Zamaʿa from his mother Umm Salama; she said: The wives of the Prophet (eulogy) refused to adopt that [what ʿĀʾisha was doing]. They said: "This is only a permission of the messenger of God (eulogy) for Sahla bint Suhayl [alone]."[155]

According to this report, Zuhrī did not obtain his tradition about the opinion of the other wives of the Prophet from ʿUrwa, but from another informant (Abū ʿUbayda)[156] who finally traces the story back to one of the wives of the Prophet, Umm Salama, an old opponent of ʿĀʾisha's. If this is true, we must conclude that Mālik omitted that particular *isnād* and ascribed all parts of Zuhrī's story to ʿUrwa. We do not know his reasons for doing so. Moreover, Mālik left out ʿĀʾisha's name in the *isnād*. He had reasons to do that because she could be the

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[154] ʿAbd al-Razzāq, *Muṣannaf*, 7:13883. See also Motzki, *Die Anfänge der islamischen Jurisprudenz*, 112 ff.; *The Origins of Islamic Jurisprudence*, 122 ff.; and idem, "The *Muṣannaf* of ʿAbd al-Razzāq," 15.

[155] Ibn Saʿd, *Ṭabaqāt*, 8:198.

[156] On him see Ibn Ḥajar, *Tahdhīb*, 12:159, no. 760.

source of neither the report about her own practice in which she is mentioned in the third person, nor the tradition about the objections of the other wives of the Prophet which is clearly critical of ʿĀʾisha.

Maʿmar's version of the Sahla story reveals, finally, that it was Zuhrī who had already put together the Abū Ḥudhayfa-Sālim-Sahla tradition with the reports about the practice of opinions of the Prophet's wives, for Maʿmar's and Mālik's transmission coincide in this respect.

A comparison of the several variants transmitted from Zuhrī thus leads to the conclusion that either Zuhrī himself circulated the traditions about the suckling of adults at different periods of time in varying form, or that his students are responsible for the differences between the texts. If the latter hypothesis is correct, Mālik's version must be considered the one that best preserved Zuhrī's original text (apart from the *isnād*). By contrast, the versions of Maʿmar and Ibn Jurayj look like abbreviated versions. One could also assume, of course, that Zuhrī's original version was short and that Mālik expanded it, but this is less likely in view of the correspondence between Mālik's version and ʿAṭāʾ's reference to the story which shows that the report about ʿĀʾisha was already part of the original version. Whatever the case, the important result that our comparison of early variants of a Prophetic *ḥadīth* produces is that it is an authentic Zuhrī tradition, i.e., really goes back to Zuhrī.

What should we think of Zuhrī's claim, however, that he obtained the Sahla story and the report about ʿĀʾisha's practice from ʿUrwa ibn al-Zubayr (d. 93/711–2 or 94/712–3)?[157] There are several arguments against the assumption that Zuhrī invented the tradition about the suckling of adults himself. First, one can point to the fact that the tradition ends with an *ikhtilāf*, a difference of opinion between the wives of the Prophet, which leaves open the question about the author's own point of view. Secondly, we know from another early tradition, reporting Zuhrī's *raʾy*, that he objected to the practice described in the *aḥādīth* from the Prophet and ʿĀʾisha.[158] It is hard to imagine that Zuhrī faked those *aḥādīth* that were completely inconsistent with his own legal opinion, or that he would have accepted them from someone he did not know very well.[159] Furthermore, the reference of the

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157 On him see G. Schoeler, "ʿUrwa b. al-Zubayr."

158 See ʿAbd al-Razzāq, *Muṣannaf*, 7:13908.

159 There is also a biographical report, preserved in a biographical lexicon of Andalusian *ʿulamāʾ*, that Zuhrī transmitted traditions which run counter to his own

Meccan scholar ʿAṭāʾ to the practice of ʿĀʾisha suggests, as argued above, that ʿUrwa was the source of the tradition. This all tends to support the assumption that Zuhrī really received the tradition from ʿUrwa, as he claims in his *isnād*.

In ʿUrwa's case we can ask the same questions. Is he the author of the texts? Did he actually obtain his information from ʿĀʾisha, as claimed in the *isnād*? We can only weigh the pros and cons of the evidence offered by the texts. There is an argument against the assumption that ʿUrwa invented the tradition in question: the fact that he himself and other Medinan *fuqahāʾ* of his generation, such as the leading scholar Ibn al-Musayyab, disapproved of the suckling of adults and denied that it had any legal consequences.[160] It does not seem reasonable to assume that ʿUrwa fabricated a *ḥadīth* from the Prophet that contradicted his own legal doctrine so blatantly. Yet if he obtained the *ḥadīth* from somebody, the question arises as to whom he got it from. His aunt ʿĀʾisha is a possible or even obvious source, but more convincing is the fact that he reports from her a practice that was rejected both by the other wives of the Prophet and the leading early Medinan *fuqahāʾ*, himself included. So, ʿUrwa's claim that he obtained the tradition from ʿĀʾisha seems to be substantiated.[161] That means that the *ḥadīth* about the Prophet's *fatwā* for Sahla is a very early one that can be dated to the first half of the first century A.H. (ʿĀʾisha died 58/678). Probably this *ḥadīth* is not only early but is also an authentic tradition from the Prophet, i.e., it reports – decades later, it is true – an event that actually occurred during the life of the Prophet. Circumstantial evidence for this assumption may be that Umm Salama in the tradition transmitted from her does not dispute the event as such, which we would expect if ʿĀʾisha had invented the entire story.

The results of our source-critical analysis contrast sharply with Schacht's ideas about this type of legal tradition. Schacht would not have accepted that Mālik's *ḥadīth* about the suckling of adults is early

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legal doctrine; the *isnād* goes back through Andalusian and Egyptian transmitters to ʿAbd al-Razzāq and via him to Maʿmar. See Ḥumaydī, *Jadhwat al-muqtabis*, 83 f. I owe the reference to M. Fierro.

[160] See Mālik, *Muwaṭṭaʾ*, 30:10, 11. ʿAbd al-Razzāq, *Muṣannaf*, 7:13900, 13904, 13905.

[161] A tradition transmitted by Ibn Jurayj from his Meccan teacher Ibn Abī Mulayka corroborates this conclusion. The latter reported that he obtained ʿĀʾisha's Sahla-story from the Medinan scholar al-Qāsim ibn Muḥammad ibn Abī Bakr. See ʿAbd al-Razzāq, *Muṣannaf*, 7:13884.

because of its length; the narrative elements and the names contained in it; and, last but not least, because of the simple fact that it is a tradition from the Prophet. Schacht would have seen various tendencies at work in this tradition and would have argued as follows:

The part of the tradition which describes the practice of ʿĀʾisha is a product of the "traditionists" aimed at changing the doctrine of the old Medinan school of jurisprudence. This originally anonymous doctrine, that was probably advocated by Zuhrī, had somewhat earlier been fictitiously ascribed to Ibn al-Musayyab and ʿUrwa ibn al-Zubayr. In the forged ʿĀʾisha tradition, a typical tactic of the "traditionists" can be seen, namely, attributing their "counter-traditions" to the same persons who are claimed by the "ancient schools" as representatives of their doctrine, in this case, Zuhrī, Ibn al-Musayyab and Sulaymān ibn Yasār. Zuhrī as transmitter of the tradition is, therefore, a fake and the argument based on the practice of ʿĀʾisha must have emerged after Zuhrī's death. The followers of the "ancient schools", now on the defensive, struck back with a tradition saying that all other wives of the Prophet rejected the attitude of ʿĀʾisha. This tradition must be somewhat later than that about ʿĀʾisha. The "traditionist" reacted by producing the story about Sahla together with a *fatwā* of the Prophet himself. This tradition is, accordingly, the last link in the chain of arguments. Finally, the particular elements of the debate were put together in a single tradition which Mālik found, if he did not produce it himself. All these developments must have occurred between Zuhrī's death and the compilation of Mālik's *Muwaṭṭaʾ*. The origin of the tradition about the suckling of adults as found in the *Muwaṭṭaʾ* must then be dated to around the middle of the second century A.H.

Schacht did not deal with this tradition as thoroughly as I did here in adopting his method of reasoning. He only gave hints as to how to interpret it.[162] Yet whoever is familiar with his way of thinking will recognise it in my aforementioned summary. In view of the results gained by a source-critical study of the early transmissions from Zuhrī in general and of two traditions transmitted from him in particular – one referring to ʿUmar, the other to the Prophet – Schacht's method and his ideas about the origins of Islamic jurisprudence are questionable.

[162] See Schacht, *The Origins of Muhammadan Jurisprudence*, 48, 246 f.

VII. Conclusions

To summarise the arguments presented in this article let us return to the starting point. According to the view decisively shaped by the writings of Joseph Schacht and since then current among Western scholars of Islam, the number of reliable legal traditions going back to Ibn Shihāb al-Zuhrī is very small. It must be limited to the information about Zuhrī's *raʾy* which Mālik in his *Muwaṭṭaʾ* explicitly says he heard himself or asked Zuhrī about. This view has been challenged in this article. Apart from the *Muwaṭṭaʾ* other early sources have become available since the publication of Schacht's *Origins* that can be used for a reconstruction of Zuhrī's legal doctrines and traditions. A source-critical study of the early sources now available shows that the number of texts that can be attributed to Zuhrī is much larger than Schacht thought. A comparison of the Zuhrī texts preserved in early sources leads to the conclusion that his legal teaching did not at all consist of *raʾy* alone, but also included – for an important part – traditions about the legal opinions and the practice of the preceding generations of Muslims, Successors, Companions and the Prophet. On the basis of the numerous legal texts that Zuhrī's students transmitted in their compilations, a detailed picture of his jurisprudence can be drawn. But what is more, the state of development which Islamic jurisprudence had reached in the first quarter of the second century A.H. can be reconstructed, and partly even the preliminary stages of the first century. The sources are now available to venture on such reconstructions.

CHAPTER TWO

WHITHER *ḤADĪTH* STUDIES?

Harald Motzki

> We have to adopt a *highly critical* attitude towards our own theories if we do not wish to argue in circles: the attitude of trying to *refute* them.
> – Karl Popper, *The Logic of Scientific Discovery*

I. Introduction: Juynboll on Nāfiʿ, the *Mawlā* of Ibn ʿUmar

Two problems face historical research into the textual sources on early Islam. First, the sources are – apart from a few "remnants", such as inscriptions, coins, etc. – only "traditions" and most of these are of Muslim provenance.[1] Secondly, these traditions are available only in sources originating more than one and a half centuries *after* the events they purport to relate. Scholars have quite reasonably felt justified in questioning the epistemic value of these traditions as a basis for reconstructing the historical events in early Islam.

On the question of the historical value of *aḥādīth* late nineteenth century Western scholarship provided different answers. Opinions range from a broad acceptance of these traditions as historical sources to complete rejection. *Aḥādīth* are rejected because they are thought to have been influenced by later political, religious and legal developments. What's more, some scholars are convinced that their point of origin can be traced to these developments, and that they can plausibly be considered projections of them. As long as the value of the traditions as historical sources is a subject of dispute, any attempt to reconstruct the political, religious and legal developments in early Islam is on shaky ground.

[1] On "remnants" (*Überreste*) and "traditions" (*Überlieferungen*) as technical terms in the field of the historical evaluation of sources see Ahasver von Brandt, *Werkzeug des Historikers*, Stuttgart 1973, 51–64.

There are ways to escape this sterile situation. On the one hand, we can critically examine the previous attempts to assess the historical value of the Muslim traditions and seek to establish whether their premises, methods and conclusions are really satisfactory. On the other, we can examine anew the sources themselves, with the aim of finding criteria which will allow safe judgements on their historical value. In the present chapter, this dual path will be pursued by scrutinising a study which deals with the historical value of traditions allegedly going back to Nāfiʿ, a client (*mawlā*) of one of the Prophet's Companions, ʿAbd Allāh ibn ʿUmar.[2]

It is well known that the majority of Muslim traditions about the first century consists of a text (*matn*) and of corresponding information on how this text was handed down (*isnād*). The chain of transmission or *isnād* allegedly provides detailed information on how the text got to the author of the compilation in which it is to be found. Muslim *ḥadīth* criticism judged the reliability of a given tradition first of all from the standpoint of its *isnād.* In contrast, Western scholarship, with its aim of assessing the historical value of a tradition, has restricted its attention mainly to the text. The latter approach was prompted by the conviction that the *isnād* is, in the most cases, purely fictional. This opinion was shared by Ignaz Goldziher, one of the founding fathers of Western *ḥadīth* studies. On the other hand, due to the scarcity of sources, it was extremely difficult, if not impossible, to verify the reliability of the *asānīd*. This could not be done without referring to information given by the early Muslims themselves in the biographical dictionaries on the traditionists. Yet this information was not considered to be very reliable by Western scholars.

One of the few scholars in Western *ḥadīth* studies who tried to find methods which include the *isnād* as a criterion to value the sources was Joseph Schacht. Although he relied on the contents and structure of the texts in his attempt to evaluate and date the traditions, he also developed premises and methods to improve the dating of texts by studying the evidence of how they were handed down. Josef van Ess and G.H.A. Juynboll took over Schacht's attempts and Juynboll in particular has developed and improved them. Michael Cook, however, was highly critical of Schacht's method of dating the traditions

[2] G.H.A. Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar, and his Position in Muslim *Ḥadīth* Literature," *Der Islam* 70 (1993), 207–244.

by studying their *asānīd*.[3] Juynboll systematically arranged the different chains of transmission into clusters, representing one or a number of similar traditions in perspicuous diagrams to a high degree of accuracy. He coined new terms to characterise particular phenomena within these *isnād* clusters, terms like "single strand", "partial common link", "spider", "dives" and others. He then provided a historical explanation for these conspicuous phenomena in his diagrams of *isnād* bundles. Based on these observations he deduced certain rules for the dating and evaluation of the authenticity of individual *asānīd*. Juynboll's article "Nāfiʿ, the *Mawlā* of Ibn ʿUmar, and his Position in Muslim *Ḥadīth* Literature" is a good example of the current stage that *isnād* analysis has reached in Western *ḥadīth* studies. It also reflects the evaluation of Muslim traditions as sources for historical research based on this analysis. One may summarise the results of Juynboll's studies on Nāfiʿ as follows:

1) The Prophetic *aḥādīth* with the *isnād* Nāfiʿ – Ibn ʿUmar, prized by Muslims and found in the "canonical" collections of *ḥadīth*, do not go back to Nāfiʿ. For the most part they go back to Mālik ibn Anas.
2) The Muslim biographical literature claims that Mālik is a pupil of Nāfiʿ, even though this relationship appears to have no historical basis.
3) Those *aḥādīth* which have the *isnād* Nāfiʿ – Ibn ʿUmar and which are handed down by other supposed pupils of Nāfiʿ are without exception fabrications either by the authors of the "canonical" collections or their teachers.

In this chapter, I shall argue against Juynboll's results, since all three points are either wrong or, at the very least, lack sufficient justification. This is not to deny that the analysis of *asānīd* is a very useful tool for attempting to date the traditions. Nevertheless, it is necessary to call into question a number of premises and methods recently introduced by Juynboll into *ḥadīth* studies.

[3] For more detailed summaries of Western *ḥadīth* studies and their methods, and for the relevant literature see H. Motzki, "Introduction – *Ḥadīth*: Origins and Developments" and idem, "Dating Muslim Traditions: A Survey."

II. Chain Analysis: Method and Concept

The Common Link and its Single Strand

Several of Juynboll's publications follow Schacht's earlier attempts at *isnād* analysis by pointing out that the majority of the *isnād* bundles fail to exhibit the kind of structure one would expect if the Prophetic traditions had been handed down in continuous fashion from generation to generation. It is significant that they do not divide into several branches immediately after the Prophet. In the majority of cases they divide only after a succession of three to four transmitters who form a single strand.[4] The transmitter after whom the chains of transmission divide into several branches Schacht named "common link". Juynboll follows Schacht in this.

Such an anomaly clearly requires explanation. According to Juynboll, explanation is to "be sought in the chronology of the birth of the *isnād*".[5] In his view of the origins of the *isnād*, the naming of authorities or authenticators of information about the Prophet and the so-called Companions became a requirement only in the third quarter of the first century after the Hijra (A.H.) during the "second *fitna*" of 61–73/681–692.

There *is* something to be said for this theory of the genesis of the *isnād*. The question is, however, whether it adequately explains the phenomenon of the common links with their single strands going back to earlier authorities. Juynboll seems to suggest that the single strands below the common links are the consequence of the late origin of the *isnād*. If it was not usual to name the sources of reports during most of the first century, then the strands with very early transmitters must be later fabrications. Since we owe these early *isnād* elements to the common links, they must be the fabricators. That means that the single strand containing the early transmitters is not reliable.

This explanation has several shortcomings. First, it does not explain Juynboll's observation that common links are *not* usually found at the level of the "Successors" (*tābiʿūn*) but one or more generations

[4] To avoid any complication I will use the terminology established by Juynboll. I also follow Juynboll's method of arranging the collectors (the starting point of an *isnād*) at the top of an *isnād*, and the end (e.g. the Prophet or Companion) at the bottom. J. Schacht, M. Cook and others do it the other way round.

[5] Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 210.

later. Second, the general conclusion that the common links must be the fabricators of their single strands which are, therefore, historically unreliable seems to be questionable.

Concerning the first point: The "Successors" flourished in the last quarter of the first Islamic century and the first twenty years of the second. If the *isnād* came into force at the beginning of this phase and if this was the cause of the common link phenomenon, then a high incidence of common links should be found amongst the Successors. In defence of Juynboll's claim, one might suggest that the various centres of learning adopted the *isnād* at varying rates. Indeed, there is some evidence that this is the case.[6] But even then the number of Successors among the common links should not be so small. On the other hand, Juynboll's claim that only few Successors, if any at all, are true common links is perhaps an artefact of his own style of *isnād* analysis. As our investigation unfolds, the reader will find that his analysis is based on doubtful premises so that, in the end, the error in his hypothesis will become clear. I mean his view that Nāfiʿ, though a member of the generation of Successors, is only an apparent or seeming common link. The failure of Juynboll's hypothesis probably means that more of the Successors are common links than he would like to suppose.

Concerning the second point: Be that as it may, the custom of naming authorities, introduced in the last quarter of the first century A.H., is certainly a pre-condition for the single strands in the lower end of the *isnād* bundles. Given that people became accustomed to give authorities for their reports only at the end of the first or the beginning of the second century A.H., does that necessarily mean that the authorities they named are fictitious? Is this an explanation of the common link phenomenon, i.e., the fact the transmission lines mostly fan out only in the third or fourth generation after the Prophet? I doubt it and propose another explanation for the common link phenomenon. It is better to look upon the common links as the first great collectors and professional teachers of knowledge in general and of traditions about persons living in the first century of Islam in particular.

This makes it easier to understand the single strand below the common link as well. It is the *isnād* given by a first systematic collector. He

[6] See H. Motzki, *Die Anfänge der islamischen Jurisprudenz. Ihre Entwicklung in Mekka bis zur Mitte des 2./8. Jahrhunderts*, 210, 214–215; English edition: *The Origins of Islamic Jurisprudence. Meccan Fiqh before the Classical Schools*, 235, 240–241.

wrote down the traditions of the first century after the Hijra and transmitted them in circles of learning or "lectures". With his *isnād* such a first collector stated from whom he had received a particular tradition, that is, from which Successor, and from whom the latter in turn, had allegedly received it. It is conceivable, in view of the chronology of the birth of the *isnād*, that the collector asked his informant for the source of his tradition and was told the name or, at least, some name. But it is equally possible that the collector did not make this enquiry of his informant. He simply inserted the name that to him seemed most likely. Single strands are, thus, the consequence of the fact that the early collectors – unlike later ones – usually gave only *one* source (and thereby only *one isnād*) for a tradition. The reason may have been that they only transmitted those traditions that they considered to be the most reliable and/or that there was as yet no requirement that several authorities and their informants be cited.

However, the single strand does not mean that this was the *only* path of transmission by which the tradition circulated. That is, it does not mean that no one other than those persons named in the *isnād* knew of the tradition. Juynboll holds that the phenomenon of a single strand indicates that this is so. Indeed, he states: "As appears from this schematised bundle, each Companion mentioned at the beginning of an *isnād* strand is allegedly the *only one* who transmits that particular tradition from the Prophet and, what is more, he allegedly passes it on to *only one* pupil, a Successor, who himself has allegedly *only one* pupil, a younger Successor or a member of the generation following that of the Successors, who likewise has allegedly *only one* pupil etc."[7] Juynboll himself calls this interpretation "sheer unfathomable coincidence". Probably, no one supports it.

But the single strand means simply that the common link in the dissemination of the *ḥadīth* mentioned only *one* path of transmission. Other paths which the same *matn* might have taken have "died out" because they were not passed on by one of these first early collectors. In some instances, later compilers or the pupils of these early collectors sought further strands of transmission of a particular tradition that may have survived in oral tradition or with minor collectors. Where they were successful, one or more strands "dive" below the common link in the *isnād* bundle. This interpretation still allows us to postulate early

[7] Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 209–210 (my emphasis).

collectors who mixed in traditions of their own with the genuine ones, adding fictitious *asānīd*, or later collectors who dived below the common link, again with fictitious *asānīd*. However, this possibility does not justify the conclusion that *all* single strands between the Prophet and the common links are false and that the texts are the inventions of the common links. Nor should strands diving below the common link be summarily dismissed as fictitious. Yet this is precisely what Juynboll does when he claims that the common links "are to be held responsible *not only* for the *matn* of the tradition they brought into circulation, *but also*, in response to the compulsory authentication device, for the series of *names* linking their time with that of the first and oldest alleged authority".[8] His further statement that "Companions and mostly also Successors are themselves not responsible for their names cropping up in *isnād* strands" must be taken to mean that they have nothing to do with the tradition. In other words, Juynboll is suggesting that they have been falsely named as transmitters by the common link. For if the Companions and Successors had really passed the tradition on to the common link, they would of course be "responsible" for their name appearing in the *isnād*.

Juynboll's analysis of the lower part of the *isnād* amounts to an *a priori* denial of its historical authenticity. In this he continues to follow Schacht who held this lower part of the *isnād* to be wholly fictitious.[9] This makes the *isnād* an invalid aid for the evaluation of the origin of the text and its possible authenticity beyond the common link. But does this conclusion necessarily follow? One cannot exclude the possibility and, indeed, the feasibility that a *ḥadīth*, transmitted by a common link, was received from the person named by that common link as his authority, whatever one may think of the remainder of the *isnād*.[10] The historicity of the source cited by the common link cannot or can only very rarely be determined solely by analysis of an *isnād* bundle. Close examination of the various versions of the text and its claimed sources will prove more productive.[11] But greater certainty about the

[8] Ibidem, 210.

[9] J. Schacht, *The Origins of Muhammadan Jurisprudence*, 171, 175.

[10] It seems that Juynboll is willing to accept this, at least, in exceptional cases. Cf. his "Early Islamic Society as Reflected in its Use of *Isnāds*," 182.

[11] A good example for such an investigation is Josef van Ess's study on the emergence of the *ḥadīth* traditions concerning predestination in his *Zwischen Ḥadīṯ und Theologie* although he does not cover the problem of *ḥadīth* forgeries in depth. On the issue of the history of traditions before the common link, see the study on some

reliability of a common link can only be acquired by scrutinising large bodies of text which allegedly go back to this common link.[12]

The hypothesis that the significant common links in the *isnād* bundles were the first systematic collectors and professional teachers of traditions explains why single strands are found below the common link and why the majority of common links are not at the level of the Prophet's Companions, but belong to the three subsequent generations.

Partial Common Links and Single Strands

Looking at the upper part of the *isnād* bundle, Juynboll assumes that the (true) common link of an *isnād* bundle was the originator of the tradition in question. In contrast to the situation below the common link, the transmission fans out above it in a variety of routes that can be reconstructed from the later collections. This allows one to make verifiable statements about the dissemination of a *ḥadīth* from the common link onwards and possibly about the historical authenticity of the chains of transmission (*asānīd*) as well.

In order to distinguish credible chains of transmission from false ones and to establish the genuine common link from which the text and the lower end of the chains of transmission derive, that is, in order to date the tradition, Juynboll has constructed the following methodological rule:

> The more persons there are who transmit a saying from a master to later generations, or the more persons there are who transmit something to someone, the more easily we can lend credence to that point of transmission as possibly being historical. Conversely, this also means that the historicity…of the single strand from the Prophet upwards right up to

sīra traditions of ʿUrwa ibn al-Zubayr by Gregor Schoeler, *Charakter und Authentie der muslimischen Überlieferung über das Leben Mohammeds*; and H. Motzki, "The Prophet and the Cat: on Dating Mālik's *Muwaṭṭaʾ* and Legal Traditions"; and idem, "The Murder of Ibn Abī l-Ḥuqayq: On the Origin and Reliability of some *Maghāzī* Reports."

12 My book *Die Anfänge der islamischen Jurisprudenz* (English edition: *The Origins of Islamic Jurisprudence*) and my study "Der Fiqh des -Zuhrī: die Quellenproblematik," (English edition "The Jurisprudence of Ibn Shihāb al-Zuhrī: a Source-Critical Study," see chapter 1) may serve as a model for such an approach. In recent years, Juynboll has devoted much work to the systematic analysis of common links. In the light of his study on Nāfiʿ one cannot help but get the impression that he primarily interprets the *asānīd* and evaluates other information of the sources in the light of his findings taken from *asānīd*.

> the point where the c[ommon] l[ink] appears, is in view of this adage questionable, as is the historicity of any strand peopled solely by *Fulāns*. It will be obvious that this rule is also based on simple logic.[13]

A few lines later he adds: "…it is only the transmission from the common link of pupils who themselves have several pupils which is historically tenable."[14]

Application of this rule leads to this result: "In Muslim tradition literature there are: (1) a few hundred traditions each supported by an *isnād* bundle with a historically tenable c[ommon] l[ink]-cum-p[artial] c[ommon] l[ink]s; and (2) thousands upon thousands of traditions supported by bare, single strands or by spiders."[15] Juynboll's assumption is that transmission of a tradition only to a single person is unlikely. He postulates that the traditions were usually transmitted to several persons, each of whom passed it on to several more, and so on. Therefore, the *isnād* bundles ought to exhibit a similar pattern if they are indeed genuine, or historically reliable. Where there are no such characteristics, the historicity of the *isnād* or its parts is necessarily doubtful. *Prima facie*, the methodological principle – the more people the better – looks plausible. But one wonders: Is it truly realistic? Is it really "logical" or methodologically sound to dismiss the historicity of all single strands simply because there are some strands which are linked up in a network?

We can test this methodological assumption by constructing a model of transmission which quantifies Juynboll's assumptions. Let us assume that the common link passed on his tradition to five persons (first generation). Each of these transmitted it to another five persons. This gives twenty-five transmitters in the second generation after the common link. If that is repeated in all subsequent generations, the third generation yields one-hundred and twenty-five transmitters, the fourth six hundred and twenty-five, the fifth three-thousand one hundred and twenty-five and so on.[16] The collectors in whose works

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13 Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 210–211.
14 Ibidem.
15 Ibidem, 216.
16 Just like Juynboll's hypothesis, this model deliberately does not take factors into account which hinder the transmission of a tradition and might lead to fewer channels of transmission. But even if these factors are acknowledged, one cannot escape the conclusion that Juynboll's assumptions lead to a rapid increase in the number of people who know and who transmit a *ḥadīth* from one generation to another.

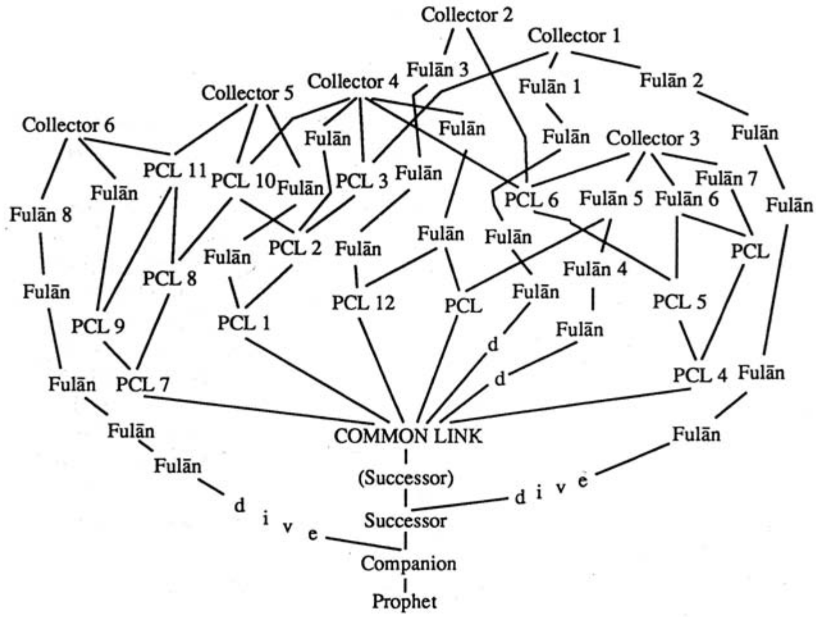


Diagram 1

the *ḥadīth* texts are accessible have been mainly placed by Juynboll in the fourth generation above the common link, that is, the third century A.H.[17]

According to Juynboll's Diagram 1, if one assumes that six collectors from this fourth generation succeeded in obtaining the tradition independently of one another from at least three persons of the previous generation complete with its *asānīd* from the common link to themselves, the likelihood that the six collectors – having a choice of eighteen out of one hundred and twenty-five sources – will find the same person more than once is not very great. That means that we will find relatively few partial common links on the level directly beneath the collectors. However, the likelihood that the eighteen strands of the six collectors will overlap at the next level is far greater (25:18). At the level immediately above the common link the probability of overlap is very great indeed (5:18).

[17] He assumes the existence of common links who died in the first quarter of the second century A.H., such as al-Zuhrī. In the case of earlier common links, like ʿUrwa ibn al-Zubayr, the span increases to five generations of transmitters.

This is in fact confirmed by numerous *isnād* bundles. The number of partial common links is generally greater in the generation above the common link than in later generations.

This modelling exercise shows that theoretically the number of single strands of an *isnād* bundle must be far greater than the number of strands which link up with another strand.[18] This is due to the relatively small number of sources available for the reconstruction of the transmission paths of a *ḥadīth*. It shows further that from the hypothesis that transmission is usually from one person to many one cannot extrapolate a methodological imperative which says that only those strands within *isnād* bundles can be regarded as genuine, or historically tenable, which exhibit this pattern. Since such strands, especially those intertwining over several generations, are the exception rather than the rule, it would be unwise to regard these alone as authentic and to regard single strands as unhistorical as long as their intertwined character is not yet proven.

Although completely intertwined strands, that is, those that always run from the common link to the later collectors *via* partial common links with at least three pupils (as stipulated by Juynboll), will in theory only occur rarely, Juynboll makes this the precondition for a historically tenable transmission process. He is forced to admit, however, that such ideal cases are exceptional. He concedes that his requirement is somewhat excessive when he writes: "That certain partial common links in the diagram do not only have other partial common links as pupils but also *Fulāns* is one of the admitted limitations to the diagram."[19]

Just as a strand can run from a partial common link *via* a single transmitter to another partial common link, it is conceivable and, on the basis of our quantitative model, more probable that an *isnād* should be conveyed *via* two or three single transmitters to a partial common link or a collector. Juynboll is unwilling to admit this because it is at variance with his interpretation of the transmission process from the common link to the later collectors. He assumes that an *isnād* bundle has to reflect the following circumstance: one person, a common link or partial common link, passed on his tradition to several

[18] For the sake of argument we will assume that all traditions are genuine and that there are no fabricated strands. This problem should be disregarded for another reason: the forgeries by the compilators or their teachers are, in principle at least, equally likely to generate single strands or strands which are linked up with others.

[19] Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 211.

other persons, who each did likewise etc. This allows him to justify the following conclusion: “If someone gave his tradition files or his *ṣaḥīfas* to just one pupil for copying, it is unlikely that the latter passed them on for copying similarly to just one pupil, and it is even more unlikely that the last mentioned passed them on for copying again in the same fashion to another single pupil.”[20]

But this is to misinterpret what an *isnād* bundle really tells us. An *isnād* bundle lists the various strands found in the works of the later collectors. This means the *isnād* bundle must be traced down from *above*, from the later collectors, not traced upwards from below, from the common link. Each of the later collectors mentions one or more strands by which he himself received or claimed to have received a particular tradition. A single strand – assuming it was not invented –, therefore, does not mean that a single transmitter passed on a tradition to only one single pupil who in turn transmitted it to only one single pupil etc. It rather means that a later collector names a chain of transmitters for a tradition that does not cross the strands of the other known collectors.

There could be many reasons for this other than invention of the *isnād*. We have already mentioned the possible impact of the relatively limited number of available sources in relation to a relatively large number of possible transmitters on the reconstruction of the transmission process. The geographical distance between individual transmitters may have played its part. The tradition represented by the single strand could have been passed on by people who lived and worked for a while on the margins of Islamic scholarship. The reputation enjoyed by the transmitters as teachers would have been reflected in the number of their pupils and the number of teachers who in turn emerged from the student ranks. Only a small proportion of a teacher’s pupils go on to become teachers themselves. Common sense tells us that there are plenty of reasons why a tradition should have been preserved for a while by transmission from one person to another, rather than from the many to the many.

Similarly, explanations – apart from mere coincidence – may be found why the strands of the various later collectors occasionally cross at levels where, theoretically speaking, it is highly unlikely. We have

[20] Ibidem, 212.

already mentioned some of them in our explanation for the existence of single strands in the *isnād* bundles. Here, the same reasons hold, albeit in the opposite direction. Hence, single transmitters between partial common links, and single strands over several generations should be regarded as normal cases. Juynboll's requirement that "the historicity of strands manned by single transmitters has to be rejected for reasons of overwhelming historical improbability",[21] is not "based on simple logic"[22] at all, but on an interpretation of the *isnād* bundle that goes in the wrong direction. *All* chains of transmitters should be read "downwards"[23] that is, starting with the collections,[24] not only single strands. A network of intertwining strands reflects particularly favourable conditions or even the ideal process of transmission. To label those *isnād* bundles or parts thereof which fail to confirm to the ideal as unhistorical and inventions of the later collectors[25] is unreasonable and it is contrary to the research rationale.[26]

There is, moreover, a further weakness in the theory that, while the intertwined traditions of the same collectors are to be accepted as historically tenable, "single strands above the common link level in the upper half of the bundle can best be attributed to the various collectors in whose collections they end up…"[27] The rule that the historical reliability of a tradition is greater, the more it is intertwined within a network of strands[28] is only true if one can exclude the possibility that intertwined strands can also arise through forgeries. No such certainty exists. If the later collectors were ready and able to falsify individual

[21] Ibidem.

[22] Ibidem.

[23] Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 228 ff. According to Juynboll, intertwining strands have to be read as reaching upwards, single strands, on the contrary, as reaching downwards.

[24] To illustrate this, it is more appropriate to represent the strands within a diagram of an *isnād* bundle not by single lines but by vectors which lead from the collector to his respective transmitters.

[25] Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 212: "Single strands above the c[ommon] l[ink] level in the upper half of the bundle can best be attributed to the various collectors in whose collections they end up or, conceivably, to the alleged shaykh of that collector sitting just under him in the strand."

[26] Juynboll's hypothesis cannot even be accepted in the case of the single strand below a common link. The bottom-end of an *isnād* is not unhistorical just because it is a single strand.

[27] Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 212.

[28] Ibidem, 211: "the transmission path…from the common link through various accompanying partial common links…has a far greater claim to being considered historical."

isnād strands – as Juynboll assumes they were – one may, indeed, one must also assume that they could invent strands which ran through several partial common links. They clearly knew possible key transmitters of a tradition and it would not have been difficult for them to create additional *asānīd* which ran through these persons.

The unrealistic character of Juynboll's methodology becomes apparent when it is applied generally to the transmission of traditions and not restricted solely to the transmission of *aḥādīth*. Such an application is permissible because Juynboll's "adage" is based on a general assumption regarding how information was passed from one person to subsequent generations. If this is true for the *aḥādīth* it must also hold for other bodies of knowledge, even a scholar's entire *oeuvre*. Let us examine the transmission pattern of some works of the second and third centuries A.H. to see whether they take the form of intertwined *asānīd* or of single strands.

There exist a number of different recensions of Mālik's *Muwaṭṭaʾ*. The recension most frequently used today is that of Yaḥyā ibn Yaḥyā al-Laythī, handed down by his son ʿUbayd Allāh.[29] Therefore, this recension of the *Muwaṭṭaʾ* of Mālik, who is the common link of the various recensions and hence (indirectly, at least) the originator of the work, was transmitted via a single strand of at least two persons (Yaḥyā ibn Yaḥyā and ʿUbayd Allāh).[30] Shāfiʿī's *Kitāb al-Umm* survived in a recension by an unknown transmitter from al-Rabīʿ ibn Sulaymān.[31] This is another example, then, of a single strand transmission by at least two persons after Shāfiʿī. The current edition of Aḥmad ibn Ḥanbal's *Musnad* is based on a recension which goes back to a single strand of at least four persons who are mentioned before Ibn Ḥanbal. A part of the strand is even a transmission from father to son or a "family *isnād*" (ʿAbd Allāh ibn Aḥmad – Aḥmad). In the printed version of Ḥumaydī's *Musnad*, the author's name is preceded by a *riwāya* of six transmitters which is yet another single strand. Ibn Saʿd's *Ṭabaqāt* we find transmitted through a single strand of at least eight persons before we come to the name of Ibn Saʿd. More examples

[29] See Zurqānī, *Sharḥ ʿalā Muwaṭṭaʾ al-imām Mālik*, 1:18.

[30] In addition to this it is a "family *isnād*" which, since Schacht's hypothesis in his *Origins*, is generally suspected to be an invention. On this see Juynboll's "Early Islamic Society," 182 and arguing against it: Motzki, *Die Anfänge der islamischen Jurisprudenz*, 120, 135 ff., 190; *The Origins of Islamic Jurisprudence*, 132, 149 ff., 212.

[31] Possibly ʿAdī ibn Ḥabīb ibn ʿAbd al-Malik who is the transmitter of Shāfiʿī's *Risāla*. See the note on p. 3 of the Beirut edition.

lie readily at hand. If one followed Juynboll's methodology whereby a chain of transmitters in the form of a single strand cannot be regarded as historically tenable, virtually all the Islamic sources we use would have to be placed in that category. Certainly, one could no longer be sure that they were really the work of those claimed as author. This is indeed the view of some Western scholars.[32] But Juynboll's writings do not indicate that he regards these sources so negatively. In order to avoid reaching this conclusion he would have to restrict the application of his methods solely to the transmission of individual *aḥādīth*. But how can he justify this?

III. On Nāfiʿ's Alleged Role in the Transmission of Traditions

Was Nāfiʿ a Historical Figure?

In his article on Nāfiʿ in the second edition of the *Encyclopaedia of Islam* which appeared shortly before his essay in *Der Islam*, Juynboll was already voicing his doubts about the historical existence of Nāfiʿ: "In sources other than *ḥadīth* he turns up only occasionally as a purveyor of legal as well as historical data. He never does so, however, as a person whose historicity could be postulated, acting or speaking against a tangible historical backdrop, but rather as a mechanical *isnād* insert."[33] His arguments advance four theses which can be summarized as follows:

1) Very little is known about Nāfiʿ's life, less than of other important transmitters. 2) What is known is contradictory. 3) His biography is not found in the most important *ṭabaqāt*-works that deal with the "Successors in Medina".[34] 4) The disparity between the ages of Mālik and Nāfiʿ makes it difficult, if not impossible, to lend credence to Mālik's claim that he was Nāfiʿ's pupil.

The arguments that Juynboll provides to support these theses are far from convincing. Let us start with the first thesis. Although it is correct to say that very little information about his life appears in the biographical literature, this is also true of many other transmitters.

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[32] See the opinion of Norman Calder on Mālik's *Muwaṭṭaʾ* and Shāfiʿī's *Kitāb al-Umm* in his *Studies on Early Muslim Jurisprudence*, chapters 2 and 4.

[33] G.H.A. Juynboll, "Nāfiʿ," 876.

[34] Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 217.

If, for example, we take the oldest extant biographical work, Ibn Saʿd's *Ṭabaqāt*, as a basis, we find that its biographical entries for such important transmitters as Abū l-Zubayr or ʿAbd Allāh ibn Abī Najīḥ of Mecca are rather thin. If we compare Ibn Saʿd's biographies in terms of the volume of biographical data they contain, it becomes apparent that very often more is known about the Arabs than about the *mawālī*. Compare Ibn Saʿd's article on Saʿīd ibn al-Musayyab with the one on Sulaymān ibn Yasār, for instance. Importance as a transmitter is in no way reflected in the length and exhaustiveness of the biographical entry. In fact, rather marginal transmitters, for example, ʿAbd al-Malik ibn Marwān, are frequently furnished with highly detailed biographies. We could easily name other examples. The uncertainty surrounding Nāfiʿ's date of birth is common to most Successors, as far as I am aware.

Next, consider the second thesis. The contradictions that Juynboll points out concern Nāfiʿ's origins and his year of death.[35] Do these contradictions really prove that Nāfiʿ did not exist? Even the oldest biographical sources give two different versions of his origins. Juynboll was still unaware that Abarshahr, the region round Naysābūr, is already named in Ibn Saʿd's (d. 230/845) *Ṭabaqāt* as Nāfiʿ's birthplace and that Ibn ʿUmar acquired him as a slave on "his campaign".[36] This is repeated by Ibn Qutayba (d. 276/889–90).[37] Khalīfa ibn Khayyāṭ (d. 240/854), on the other hand, says in his *Taʾrīkh* that Nāfiʿ was taken prisoner when Kābul was taken in the year 44/664–5. Juynboll considers this a significant divergence of opinion. But is it really?

The Abarshahr district (Naysābūr) was conquered by the Muslims in 30/650–1.[38] Ibn ʿUmar is said to have participated in this expedition.[39] It is conceivable, therefore, that Ibn Saʿd's claim that Nāfiʿ came from Abarshahr is based on a sound tradition, although Ibn Saʿd cites no source. One might contest the historical value of such a report and maintain that Nāfiʿ's origins were arbitrarily linked with Ibn ʿUmar's part in the expeditions to Jurjān and Ṭabaristān. But the question then arises as to the motives for inventing such a report. There are so many transmitters who were *mawālī* yet whose origins were never mentioned. Why, then, were Nāfiʿ's origins mentioned?

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[35] Ibidem.
[36] Ibn Saʿd, *al-Ṭabaqāt al-kubrā: al-Qism al-mutammim*, 2:142.
[37] Ibn Qutayba, *Maʿārif*, 110, 261.
[38] See E. Honigmann /C.E. Bosworth, "Nīshāpūr," 62.
[39] See L. Veccia-Vaglieri, "ʿAbd Allāh ibn ʿUmar ibn al-Khaṭṭāb," in: *EI*[2], I, 54.

To give Nāfiʿ's birthplace as Abarshahr seems innocent enough. But the same cannot be said of Khalīfa ibn Khayyāṭ's claim that Nāfiʿ was captured at the taking of Kābul in 44 A.H. Dhahabī reports that Nāfiʿ said he had served Ibn ʿUmar for thirty years.[40] The latter died in 74/693–4 If Nāfiʿ's words are taken at face value he must have started in his "service" to Ibn ʿUmar in the year 44. It is conceivable that Khalīfa's report is based on such a calculation rather than on a genuine tradition on Nāfiʿ's origin. But the question is whether one should take Nāfiʿ's round figure literally, assuming it is authentic in the first place, or whether it should not rather be regarded as a rough estimate of a very long period of time?[41] This would provide a plausible explanation for the differences in the early sources regarding Nāfiʿ's origins.

Ibn Abī Ḥātim (d. 327/939–40), without naming his source, mentions the Maghrib as an alternative to Abarshahr.[42] Ibn Ḥibbān (d. 354/965–6) plumps for Abarshahr in one of his works.[43] In another he says that opinions on this differ and that he believes none of them.[44] In the most recent biographical sources, such as Dhahabī's *Tadhkira* and *Siyar*, as well as Mizzī's and Ibn Ḥajar al-ʿAsqalānī's *Tahdhīb*, a number of opinions are expressed, usually without citing sources. They include, apart from those already mentioned: the mountains of Barārbandah which are part of the Ṭālaqān range[45] and Daylam.[46] Dhahabī concludes from various data that Nāfiʿ was probably "a Persian", since that is the opinion of the majority.[47] This can be accepted, if "Persian" is taken in a general geographical sense as Dhahabī intended. For if Nāfiʿ came from Daylam or Ṭālaqān, this is still compatible with the Muslim expedition to Jurjān and Ṭabaristān in the year 30 A.H. But even if all these reports are mere speculation, they only mean that various accounts of Nāfiʿ's origins were current and that it is hard to establish which is correct. Differences of opinion on matters of Nāfiʿ's origin do not mean that it is impossible for him to have existed.

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[40] Dhahabī, *Tadhkirat al-ḥuffāẓ*, 1:100.

[41] There is another tradition which points in this direction. Nāfiʿ said he had performed the *ḥajj* and the *ʿumra* more than thirty times in the company of Ibn ʿUmar. See Dhahabī, *Siyar aʿlām al-nubalāʾ*, 5:97.

[42] Ibn Abī Ḥātim, *Kitāb al-Jarḥ wa-l-taʿdīl*, 8:451.

[43] Ibn Ḥibbān, *Mashāhīr ʿulamāʾ al-amṣār*, no. 578.

[44] Ibn Ḥibbān, *Kitāb al-Thiqāt*, 5:467.

[45] Mizzī, *Tahdhīb al-kamāl fī asmāʾ al-rijāl*, 29:298.

[46] Dhahabī, *Siyar*, 5:99; idem, *Tadhkira*, 1:100. Dhahabī names Yaḥyā ibn Maʿīn (d. 233/847–8) as the source for this opinion.

[47] Ibidem.

The date of Nāfiʿ's death is not as problematic as Juynboll suggests. The oldest sources mostly give it as 117/832–33.[48] According to later sources, this year goes back to the majority of the early *ḥadīth*- and *rijāl*-experts.[49] Ibn Ḥibbān has 117 A.H. in one of his writings, 119 A.H. in another.[50] The latter date is probably an error in the process of copying the manuscript.[51] In later sources, only al-Haytham ibn ʿAdī (d. 207/822–23) and Abū ʿUmar al-Darīr (d. 220/835) are cited as giving the year in question as 120. But 117 A.H. is also attributed to the former. Dhahabī says that the date 120 is a minority view.[52] Most of the early *rijāl* scholars, therefore, agreed that Nāfiʿ died in 117 A.H. It is certainly not the case that total confusion reigns on this issue. After all, there are similar differences of opinion in relation to many of the earlier transmitters. This does not make them figures whom we would wish to characterise as non-historical. If both traditions, that on Nāfiʿ's acquisition in the year 30 A.H. and that on his death in the year 117, are true, Nāfiʿ must have lived more than eighty seven lunar years which come to approximately eighty five solar years. Surprisingly, Juynboll, usually extremely suspicious of longevity, does not use this as an argument against Nāfiʿ's historicity. But it is not impossible that he reached such an age. If Nāfiʿ came into Ibn ʿUmar's possession as an infant or small child in the year 30 A.H., perhaps because his mother was taken prisoner in the Abarshahr campaign, he could well have been eighty six or eighty seven solar years old when he died.[53]

Consider, then, the third thesis. "What is most striking about him in the early sources," writes Juynboll in his article on Nāfiʿ in the *Encyclopaedia of Islam*, "is his near absence from those in which he should have been mentioned in the first place."[54] Is this really the case? The main basis of Juynboll's thesis that Nāfiʿ never existed derives from the absence of any biography of him in the current edition of Ibn Saʿd's *Ṭabaqāt*. This is an *argumentum e silentio*. Conclusions based on such

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[48] This being Ibn Saʿd (see note 36), Ibn Qutayba (see note 37) and also Bukhārī, *Kitāb al-Taʾrīkh al-kabīr*, 6/2:85. Khalīfa ibn Khayyāṭ, *Kitāb al-Ṭabaqāt*, 226 differs from them and has 118.

[49] See Mizzī, *Tahdhīb*, 29:305.

[50] Ibn Ḥibbān, *Thiqāt*, 5:467 (117); idem, *Mashāhīr*, no. 578.

[51] This date is also transmitted by Ibn ʿUyayna and Aḥmad ibn Ḥanbal (Mizzī, *Tahdhīb*, 29:307).

[52] *Siyar*, 5:99.

[53] On the problem of longevity see below pp. 68–70.

[54] Juynboll, "Nāfiʿ," 876. See also idem, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 217.

arguments usually prove to be short-lived. Admittedly, Juynboll mentions that later collectors of biographical material refer to Ibn Saʿd as their source in their entries on Nāfiʿ. However, he fails to deduce from this that the printed edition of the *Ṭabaqāt* could be incomplete. For that would undermine his argument.[55] Instead, he implies that these are not genuine quotations from the *Ṭabaqāt*.[56]

Meanwhile, a manuscript of the missing part of Ibn Saʿd's *Ṭabaqāt* has now been discovered and published under the title *al-Ṭabaqāt al-kubrā: al-Qism al-mutammim li-tābiʿī ahl al-Madīna wa-man baʿdahum* by Ziyād Muḥammad Manṣūr.[57] In the third *ṭabaqa* of this text is an article about Nāfiʿ. Most of the other early biographical collections, for example, those of Khalīfa ibn Khayyāṭ, Aḥmad ibn Ḥanbal, Bukhārī, Ibn Abī Ḥātim and Ibn Ḥibbān, have biographical entries on Nāfiʿ. The omission of such an entry from Ibn al-Jawzī's *Ṣifat al-ṣafwa* – which can certainly not be reckoned one of the *early* sources – is possibly because this text is also incomplete or because the author had only incomplete sources at his disposal.

Juynboll uses the same kind of *argumentum e silentio* to devalue historical reports on Nāfiʿ. Nawawī quotes from Ibn Saʿd a tradition that ʿUmar ibn ʿAbd al-ʿAzīz sent Nāfiʿ to Egypt to teach "the *sunan*" to the Muslims there.[58] Juynboll comments: "If that were true, mention would be made of it in al-Kindī's *Kitāb al-Wulāt wa-al-quḍāt*, which is not the case." How convincing is this conclusion? If Nāfiʿ really went on this commission to Egypt, the text speaks only of "sending", then it was neither as a *wālin* nor as a *qāḍin*. There seems no reason, therefore,

[55] He mentions this possibility, however.

[56] Admittedly, Juynboll writes that the origin of these Ibn Saʿd-traditions on the life of Nāfiʿ "remains to be investigated (…)" ("Nāfiʿ," 876) and "has…never been answered satisfactorily." He stresses on the other hand that there is no gap in the current editions of Ibn Saʿd's *Ṭabaqāt* where one would expect to find Nāfiʿs biography (Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 218). However, the gap can hardly be overlooked. In the printed versions the sixth *ṭabaqa* amongst the *tābiʿūn* of Medina follows immediatly on the third *ṭabaqa*. The text of the last biography in the third *ṭabaqa*, the one on ʿUmar ibn ʿAbd al-ʿAzīz, ends right in the middle of a tradition. Then, the sixth *ṭabaqa* starts at the end of a biography of one Muḥammad with the *kunya* Abū ʿAbd Allāh whose precise identity is undisclosed, since the beginning of the article is missing. One would expect to find the biography on Nāfiʿ in the third *ṭabaqa* of the people from Medina – which in the current editions is clearly incomplete – after the one on ʿUmar ibn ʿAbd al-ʿAzīz.

[57] See note 36.

[58] This tradition may indeed also be found in the missing part of the *Ṭabaqāt* (*al-Qism al-mutammim*, 144).

for al-Kindī to mention him. Besides, al-Kindī's material on this early period is so fragmentary that it would be unwise to draw inferences from it *e silentio*.

Juynboll constructs a third argument of the same *e silentio* type upon examining the biographical entry (*tarjama*) for Ibn ʿUmar in Ibn Saʿd's *Ṭabaqāt*. He admits that Nāfiʿ is mentioned frequently there. But he observes that "he does not play a role which leaves the reader with the impression that a historical person is being described. Nāfiʿ is merely the purveyor of sayings and rulings of his alleged patron."[59] This is hardly surprising when placed alongside Ibn Saʿd's biography of Nāfiʿ and later biographical compilations. The later collectors of biographical information seem to have known very few historical facts about him. They confine themselves to his origins, his poor Arabic pronunciation (*lukna wa-ʿujma*),[60] his period as a servant to Ibn ʿUmar, the offices that he held under the caliph ʿUmar ibn ʿAbd al-ʿAzīz. Apart from his mission to Egypt, they say that he oversaw the collecting of "alms" of the Yemen and mention the year of his death.[61] The other data relate to his role as transmitter and scholar, some of them so specific and detailed as to be highly convincing as historical reports on Nāfiʿ the traditionist.

These peculiar features are not unusual in the biographical descriptions of such early traditionists. As we have said, entries on Nāfiʿ share these features with many other learned *mawālī* of his own generation and the next. Since the facts about Nāfiʿ's life that were accessible to collectors a century later were limited, Ibn Saʿd is unable to include in his biography of Ibn ʿUmar much more than appears in his biography of Nāfiʿ himself. Furthermore, Juynboll finds it "significant" that the reports on Ibn ʿUmar that appear in Ibn Saʿd's *Ṭabaqāt* and that were transmitted by Nāfiʿ are "conspicuously absent from the canonical collections".[62] He does not say why this is significant. Presumably, he regards it as another indication of the contradictions in Nāfiʿ's role as a transmitter and hence as evidence for the lack of historical authenticity of all the traditions Nāfiʿ supposedly obtained from Ibn ʿUmar. However, these discrepancies between Ibn Saʿd's *Ṭabaqāt* and the "Six Books", i.e., the canonical collections, are easily explained.

[59] Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 218.
[60] Dhahabī, *Siyar*, 5:98.
[61] Ibidem.
[62] Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 218.

The canonical *ḥadīth* collections deal almost exclusively with traditions from the Prophet. By definition, the collectors had little interest in any traditions about Ibn ʿUmar himself, apart from those which were handed down *via* him from the Prophet. Ibn Saʿd's *Ṭabaqāt*, on the other hand, brings together all possible information about figures living in the first two centuries of Islam, especially *but not exclusively* transmitters of traditions from the Prophet.

When Ibn Saʿd selects biographical information about a specific person, he concentrates on just that. He does not focus on the *aḥādīth* transmitted by that person. Indeed, he mentions the *aḥādīth* transmitted by that person only sporadically. Therefore, we can hardly expect to find in Ibn ʿUmar's biography traditions from the Prophet handed down by him. From Ibn Saʿd's *Ṭabaqāt* it is clear that, aside from Prophetic traditions, a number of other traditions from Ibn ʿUmar concerning his legal opinions and practices were also current. It is also clear that Nāfiʿ played a large role in circulating these legal opinions. This may be also observed from the "pre-canonical" collections of traditions. These latter collections do just contain many *aḥādīth* from others than the Prophet. Examples are the *Muṣannaf* by ʿAbd al-Razzāq or that by Ibn Abī Shayba. In these collections one can find many Ibn ʿUmar-traditions which go back to Nāfiʿ. Some of these Ibn Saʿd took up in his *Ṭabaqāt.* The discrepancies between Nāfiʿ's Ibn ʿUmar-traditions found in Ibn Saʿd and the ones in the canonical collections tell us nothing about the authenticity of the reports which were collected in these works nor do they tell us about the historicity of the named transmitters.

Let us turn finally to thesis four. In Juynboll's search for biographical data on Nāfiʿ he consults the biographies on Mālik ibn Anas, allegedly Nāfiʿ's most important pupil. He is "struck by the fact that virtually every scrap of information mentioning Nāfiʿ is in the first place due to Mālik himself".[63] Is this really so surprising? Surely, it is self-evident that biographical articles about Mālik will focus on *his* relations with Nāfiʿ and *not those of other pupils*. It seems logical that it is chiefly Mālik himself who is most quoted on the subject of his own teachers. If one looks in the biographical articles on Nāfiʿ himself in order to establish the sources for reports about him, one finds that Mālik is not at all predominant. Ibn Saʿd makes absolutely no mention of

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[63] Ibidem, 219.

him. All his information derives from other pupils of Nāfiʿ: Nāfiʿ ibn Abī Nuʿaym, Ismāʿīl ibn Ibrāhīm ibn ʿUqba, ʿAbd al-Malik ibn ʿAbd al-ʿAzīz ibn Abī Farwa, ʿUbayd Allāh ibn ʿUmar ibn Ḥafṣ and Ismāʿīl ibn Umayya. Dhahabī's (d. 748/1348) *Siyar* contains four sayings of Mālik about Nāfiʿ and fifteen by other pupils or contemporaries of Nāfiʿ. It is simply false to say that Mālik alone is virtually the only source for Nāfiʿ's biography.[64]

In Juynboll's view, Mālik's reports on Nāfiʿ and his studies with him are invented. His first supporting argument runs: "It is a well-attested pattern in Islamic *rijāl* literature that relations between two transmitters, whose respective years of death span a wide gap of time, are sought to be made plausible by reports spread by the younger on how he made the acquaintance of the older."[65] Now it is by no means true that we are only told how a pupil-teacher relationship arose where wide age differences prevail. Pupils in general like to give such accounts. This is true even today. And they are found extensively in *rijāl* literature. This does not necessarily make them *topoi*. If these anecdotes really are more common for pupils and teachers widely separated in age[66] it may simply be because the pupils of those who were quoting a long dead teacher were curious to know more about this unusual relationship.

Juynboll's main argument against Mālik's claims to have attended Nāfiʿ's "lectures" is that their respective years of death lie too far apart. I have indicated elsewhere that this line of argument, previously advanced by Schacht, is not convincing.[67] Mālik himself, in a tradition transmitted by his pupil Yaḥyā ibn Bukayr, says he was born in 93/712. This date should be given greater credence than any other less well-authenticated dates in the biographical literature. Mālik died in 179 A.H. If both dates are correct, Mālik was twenty three or twenty four years old at the time of Nāfiʿ's death and died at the age of eighty six lunar years (eighty three or eighty four solar years). Twenty-three is not an unusual age at which to transmit, for example, by hearing

[64] Although Juynboll admits that there are "a few reports due to other alleged pupils of Nāfiʿ" – he names ʿUbayd Allāh ibn ʿUmar, Ayyūb and Layth – and promisses to come back to these "reports" (ibidem), he later only mentions these persons as transmitters of Nāfiʿ's traditions from the Prophet but not as informants on Nāfiʿ himself.

[65] Ibidem, 219.

[66] Is this really "well-attested?" If so, where?

[67] See Motzki, "Der Fiqh des -Zuhrī," 21–22; "The Jurisprudence of Ibn Shihāb al-Zuhrī" (chapter 1 of this volume), p. 22.

and copying the not very numerous traditions of Nāfiʿ that appear in the *Muwaṭṭaʾ*. Juynboll admits that achieving the age of eighty three or eighty four is conceivable, but "literally hordes of people living to these ripe old ages stretches the imagination to breaking point".[68] He points to the phenomenon of the *muʿammarūn*, about which he has written two valuable articles.[69] But the *muʿammarūn* in the *ḥadīth* tradition were usually "successors" who supposedly attained improbable ages of over one hundred as Juynboll himself has demonstrated. They are found almost exclusively in the *asānīd* of Kūfa and (more rarely) Baṣra, never in those of Ḥijāz and, therefore, Mālik who was neither a "Successor" nor an ʿIrāqī is not necessarily part of this phenomenon.

The next question, then, is whether it is likely that a large number of people, who had been scholars all their lives, should live to be seventy or eighty or even, in a small number of cases, to ninety. This would be easy to accept today. But Juynboll considers it improbable for the Near East of the seventh and eighth centuries of the common era. He implies that the general level of civilisation, the standards of hygiene and medical care within the cities of the Arabian Peninsula were not high enough to allow such widespread longevity amongst a great number of persons. Both assumptions are far from sound. We do not know if hygiene was really so poor and research into the possibly favourable effects of high infant mortality or local climatic conditions on the age structure of the population is virtually non-existent. The influence of profession on lifespan is a factor to be considered. We do not know exactly how many seventy or ninety year old Muslim scholars there were in that era and it is no longer possible to establish what proportion of the entire male population scholars of these ages represent. Only on the basis of just these data can one justify the claim that the advanced ages of a small group of scholars are implausible. Finally, one might conjecture as to whether the high percentage of elderly persons in the biographies is partly due to the fact that it was mainly famous scholars who gained entry into these works. Scholars in the Islamic world of learning acquired fame as they acquired more pupils and this could only occur in the course of a long teaching career. The older and more famous they became, the more pupils they attracted. Young

[68] Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 220.

[69] G.H.A. Juynboll, "The Role of the *Muʿammarūn* in the Early Development of the *Isnād*" and idem, "*Muʿammar*."

scholars had little time to make a name for themselves and are, therefore, bound to be under-represented in the biographical dictionaries.[70]

Indisputably, wide age gaps between teacher and pupil were quite frequent in Islamic culture. An extreme example from the third A.H./ninth century C.E. is that between ʿAbd al-Razzāq al-Ṣanʿānī and Isḥāq ibn Ibrāhīm al-Dabarī since they died seventy four years apart. ʿAbd al-Razzāq died when Isḥāq was about six years old. Nevertheless, Isḥāq can call himself ʿAbd al-Razzāq's pupil with some justification.[71] However, these are exceptions. A more normal teacher-pupil relationship is the one that obtained between Khayr al-Dīn ibn Aḥmad al-Farūqī al-Ramlī (d. 1671 C.E.) and Muḥammad ibn ʿUmar Shams al-Dīn ibn Sirāj al-Dīn al-Ḥānūtī (d. 1601 C.E.). Khayr al-Dīn was born in Ramla in Palestine in 1585 and began his studies at al-Azhar in 1598–99 at the age of fourteen, two years before the death of his teacher.[72] The case of Sufyān ibn ʿUyayna, a pupil of Zuhrī, is likely to have been similar. All the same, Juynboll relegates him, like Nāfiʿ's teacher-pupil-relationship to Mālik, to the realm of fiction.[73]

In addition to his general thoughts on the impossible age difference, Juynboll gives discrepancies in biographical traditions about Mālik as circumstantial evidence that in the case of Mālik – Nāfiʿ it was not a genuine pupil-teacher-relationship, but rather an "age trick".

1) He considers reports to the effect that Mālik, despite his youth, was able to outdo the older scholar Rabīʿa ibn Abī ʿAbd al-Raḥmān (d. 133/750–1 or 136 /753–4) after Nāfiʿ's death, odd and not very convincing. It may, indeed, seem strange at first glance. There is, however, an explanation. Rabīʿa taught pure *raʾy*, that is, his own legal opinions. But the heyday of *raʾy* in early Islamic jurisprudence was already nearing its end at the beginning of the second century. Recourse to traditions steadily gained popularity while the old *raʾy* scholars declined in esteem and pupil numbers.[74] In view of this development, it is not

[70] My colleague Kees Versteegh drew my attention to this possible connection.

[71] On the justification of such claims see Motzki, *Die Anfänge der islamischen Jurisprudenz*, 64–65; *The Origins of Islamic Jurisprudence*, 68–70.

[72] See the biography of Khayr al-Dīn in Muḥibbī, *Khulāṣat al-athar fī aʿyān al-ḥādī ʿashar*, 2:134–139 and H. Motzki, "Child Marriage in Seventeenth-Century Palestine," 129–140, 131.

[73] Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 219.

[74] In the case of Mecca see Motzki, *Die Anfänge der islamischen Jurisprudenz*, 98, 111, 184; *The Origins of Islamic Jurisprudence*, 107, 117, 205 and passim.

improbable that "*Rabīʿat al-raʾy*" lost pupils to Mālik who was a pupil of Nāfiʿ and Zuhrī and intensely interested in traditions.

2) Juynboll finds his most conclusive evidence against Mālik's claim to have studied under Nāfiʿ in an event reported by the Egyptian scholar Ibn Lahīʿa, a contemporary of Mālik, from the source of Abū l-Aswad Muḥammad ibn ʿAbd al-Raḥmān. When Abū l-Aswad came to Egypt in 136/753–4[75] Ibn Lahīʿa asked him who was *muftī (yuftī)* in Medina. He was told: someone like a *fatan* with a blond-red beard (? *min dhī aṣbaḥ*) called Mālik. Some versions have *shābb* instead of *fatan*.[76] Juynboll translates these terms as "youth" and "boy". If Mālik, Juynboll concludes, was really Nāfiʿ's pupil he would have been forty at that time and such terms would have been inappropriate.

It is debatable whether these are the only possible translations of these terms. *Shābb* can be used for persons up to fifty years of age.[77] *Fatan*, usually a synonym for *shābb*, apparently, cannot. Possibly, "*shābb*" was the term originally used in this report and the synonym "*fatan*" only crept in through the carelessness of a later transmitter. Moreover, it is often hard to interpret the real meaning of such short reports. Even the expression "young man" could in some circumstances be appropriate. For example, Abū l-Aswad's remark could have been intended ironically or even disparagingly. The latter is a possibility conceded but not accepted by Juynboll. However, if we take into account that this Abū l-Aswad was from Medina and approximately Zuhrī's age and thus much older than Mālik and considered to be one of his teachers,[78] then we can envisage this old man who is said to have died a year after his arrival in Egypt in 137/754–5[79] speaking of the *muftī* of Medina, perhaps acerbically or perhaps even with pride, as a "young man". In any case, in my view, the report is not as unequivocal as Juynboll supposes and, therefore, does not carry sufficient weight to invalidate all the other reports which say that he learned from Nāfiʿ and had a reputation as a scholar at an early age, even if most of these reports come from Mālik himself.

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[75] According to Ibn Ḥajar, *Tahdhīb al-tahdhīb*, 10:7.
[76] Ibidem.
[77] See E.W. Lane, *Arabic-English Lexicon*, I/6, 1494.
[78] See his biography in Ibn Ḥajar, *Tahdhīb*, 9:307.
[79] There is, however, some dispute over the year of his death.

3) To further support the thesis that the reports of a brilliant young scholar called Mālik immediately after Nāfiʿ's death are fictional, Juynboll introduces a tradition from the *ḥadīth* scholar Ibn al-Madīnī (d. 234/849) on the authority of the "philologist" al-Aṣmaʿī (d. 213/828–31) which Juynboll found in a work by Fasawī.[80] It relates as follows. Aṣmaʿī was told by the traditionist Shuʿba (d. 160/777) of Baṣra that when he, Shuʿba, came to Medina, a year after Nāfiʿ's demise, he found that the circle of students of *ʿilm*, i.e., traditions, were gathered round Mālik. Aṣmaʿī later asked the Medinese about this and was informed that this was not the case. Rather, Nāfiʿ's older pupil ʿUbayd Allāh ibn ʿUmar (d. 147/764) had stepped into Nāfiʿ's shoes, Mālik not doing so until later. Hereupon, Ibn al-Madīnī asked Aṣmaʿī: "Did you really hear Shuʿba say what you said he said?" Aṣmaʿī answered: "I do not know (*lā adrī*)."

Juynboll comments: "This story, although not entirely unambiguous, speaks for itself."[81] He presumably means by this that the story confounds the claims about Mālik's studies with Nāfiʿ and his early career as a scholar. Again, this is questionable. The enquiry made by Ibn al-Madīnī, an expert in the science of *rijāl*, would certainly have concerned the transmitter rather than the content of the report. He wants to know if it was really *Shuʿba* who gave Aṣmaʿī the information that, when Nāfiʿ died, Mālik immediately took over leadership of his students. As a philologist, Aṣmaʿī would not have been constrained like the *muḥaddithūn* of the late second/eighth century to trace the sources of his information and admits that he no longer recalls exactly. This does not mean that he invented the information. That would make nonsense of his comment that he made enquiries of the Medinese himself. Shuʿba's alleged statement, on its own without references, also appears in Dhahabī, who seems to accept it.[82] This indicates that he did not obtain it from Fasawī or his source. Rather, he obtained it from a source that does not contain a sign of doubt as to its provenance from Shuʿba.

Juynboll tries to reinforce doubts about these data and their author with the comment that Shuʿba only embarked on his career as *muḥaddith* fifteen years after Nāfiʿ's death. First of all this claim does not fit with other biographical reports of Shuʿba which are based on

[80] Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 221 f., note 21.
[81] Ibidem.
[82] Dhahabī, *Tadhkira*, 1:208.

an earlier activity as transmitter of traditions. He is said to have been born in 83/702[83] and to have studied with al-Ḥasan al-Baṣrī and Qatāda who died in 110/728 and 117/735.[84] In addition to this, it does not prove that Shuʿba could not have reported it. The actual words of Shuʿba's tradition only say that he came to Medina a year after Nāfiʿ's death and that Mālik already had a circle of students at that time. He does not say that he came to Medina to study there or to collect traditions. His visit could also have been upon the occasion of making *ḥajj* or for some quite different reason.

In my view, the only conclusions one can draw from this are that in the late second century contradictory reports were in circulation about who first took over the leadership of Nāfiʿ's circle of students. There are some indications that it was first an older student of Nāfiʿ and not the young Mālik. But this should not be taken to mean that Mālik did not study with Nāfiʿ at all or that he could not have acquired a certain reputation as a scholar within a short time after Nāfiʿ's death. Nor does the story exclude the possibility that Mālik was able to gather a small circle of students around him early on, although these were probably not Nāfiʿ's older students. When reading the examples cited by Juynboll to support his thesis that Mālik was not really a student of Nāfiʿ, two conclusions appear inescapable. Either he is very selective and only presents texts that reinforce his own ideas or he interprets these texts in a very one-sided way that favours the point he wishes to make. Needless to say, neither conclusion is acceptable.

To summarise our discussion of Nāfiʿ, Juynboll's attempt to prove with the aid of early Islamic biographical literature that Nāfiʿ was not a historical figure and that the claims by Mālik and others that Mālik studied with Nāfiʿ are untrue is unconvincing. None of his arguments for these two theses is sound. The biographical sources contain only a few references to his life, as is the case with many other early scholars, but what they do say about his role as teacher and traditionist does not appear to the unjaundiced eye to be pure invention.[85] The traditions about Nāfiʿ which appear in the biographical collections are

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[83] Ibn Ḥibbān, *Mashāhīr*, no. 1399.

[84] Dhahabī, *Tadhkira*, 1:193 ff. If Rāmhurmuzī's report is to be trusted, Shuʿba did not start his *ḥadīth* studies until he was 49. In the light of his importance as a traditionist, and his numerous pupils this is not very likely.

[85] On a further argument in favour of the authenticity of the Mālik → Nāfiʿ-transmission see Motzki, "Der Fiqh des -Zuhrī," 21; "The Jurisprudence of Ibn Shihāb al-Zuhrī," p. 23.

not the only indications of his existence, however. It is remarkable that Juynboll makes no mention of the fact that, apart from Mālik's traditions in the *Muwaṭṭaʾ* and those of Mālik and other (according to Juynboll alleged) students of Nāfiʿ within the classical *ḥadīth* collections, extensive Nāfiʿ traditions collected by his pupils Ibn Jurayj (d. 150/767–8) and Mūsā ibn ʿUqba (d. 136/752–3 or 141/758–9) also exist in a pre-classical collection, the *Muṣannaf* of ʿAbd al-Razzāq (d. 211/826–7). I have shown elsewhere that the body of texts connected to Ibn Jurayj and contained in the *Muṣannaf* is very probably a transmission of Ibn Jurayj's *Sunan*, which ʿAbd al-Razzāq received during instruction from Ibn Jurayj.

There are several indications that Ibn Jurayj's traditions from Nāfiʿ are not fabricated. One example is the fact that Ibn Jurayj traces his traditions not only directly back to Nāfiʿ but also indirectly via Mūsā ibn ʿUqba.[86] Ibn Jurayj, a native of Mecca, transmits directly from the Medinese Nāfiʿ, usually with a simple *ʿan* (from), but sometimes with *samiʿtu* (I heard), thereby demonstrating his direct contact with Nāfiʿ. On one occasion, quite untypical in his terminology, Ibn Jurayj makes the following comment on a Nāfiʿ tradition:

> We sent someone to Nāfiʿ, who stayed in the town hall (*dār al-nadwa*) [in Mecca] and who was preparing his journey [back] to Medina – we were students under ʿAṭāʾ (*naḥnu julūs maʿa ʿAṭāʾ*) – [and asked him]: "Did the divorce of ʿAbd Allāh from his wife when she was menstruating in the days of the Prophet count as a single [divorce]?"He answered: "Yes."[87]

Against the background of the entire Nāfiʿ transmission of Ibn Jurayj this incident cannot be regarded as a deliberate fabrication. A forger would certainly have maintained that he heard the report from Nāfiʿ himself. One could, perhaps, postulate that Ibn Jurayj inserted this comment deliberately into his tradition, in order to trick later generations into believing in the existence of a Nāfiʿ he had invented. But such a hypothesis seems utterly absurd.

[86] See Motzki, *Die Anfänge der islamischen Jurisprudenz*, 200–201; *The Origins of Islamic Jurisprudence*, 224–225 and passim.

[87] ʿAbd al-Razzāq, *Muṣannaf*, 6:10957. See also Motzki, *Die Anfänge der islamischen Jurisprudenz*, 123; *The Origins of Islamic Jurisprudence*, 135–36.

Juynboll's Isnād *Analysis of a Tradition of Nāfiʿ from Ibn ʿUmar*

In his article Juynboll puts forward the thesis that most of the Prophetic traditions with the *isnād* Nāfiʿ – Ibn ʿUmar derive not from Nāfiʿ but from Mālik ibn Anas.[88] He attempts to prove this by examining the transmission strands. His conclusion is that in most of these traditions Nāfiʿ is not a genuine common link but only a "seeming common link". The true common link is Mālik. The principal conclusion of Juynboll's argument is essentially based upon the premises discussed in the second section, namely that single strands and spiders[89] are non-historical or fictitious and only strands linked up in networks with an abundant number of partial common links, are historically tenable. The only individual amongst Nāfiʿ's traditionists whose pupils fulfil these requirements, according to Juynboll, is Mālik.[90] In our discussion of his introduction we have already made clear that these premises are not as self-evident as Juynboll would have us believe. We are thus justified in asking whether his claim that all Nāfiʿ's traditionists apart from Mālik were later inventions has a substantial basis.

Juynboll shows how he reached his conclusions by taking as his model the tradition from the Prophet, according to which he imposed the *zakāt/ṣadaqat al-fiṭr*.[91] This *ḥadīth* includes information on the amount of the contribution that should be made and upon whom it is incumbent. In his Diagram 3, in relation to this complex of traditions[92] Juynboll constructs an *isnād* bundle[93] which he says is based on the "Six Books", Mālik's *Muwaṭṭaʾ* and Abū Bakr ibn Abī Shayba's *Muṣannaf*.[94]

It becomes clear from Diagram 3 and Juynboll's discussion of the various transmission strands, however, that he constructed his bundle

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[88] Here, it has to be stressed that Juynboll is only concerned with the Prophetic *aḥādīth*. The question of where all the other traditions of Nāfiʿ from Ibn ʿUmar come from, may be regarded as a separate matter, although I believe the two problems cannot be entirely separated.

[89] According to Juynboll's terminology, a spider is an *isnād* bundle that consists chiefly of single strands. See his "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 214–215.

[90] See Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 226–227.

[91] The contribution incumbent upon Muslims when ending the obligatory fast of Ramadan.

[92] I use this term to indicate that the tradition is transmitted in several variants.

[93] Ibidem, 228.

[94] Ibidem, 229.

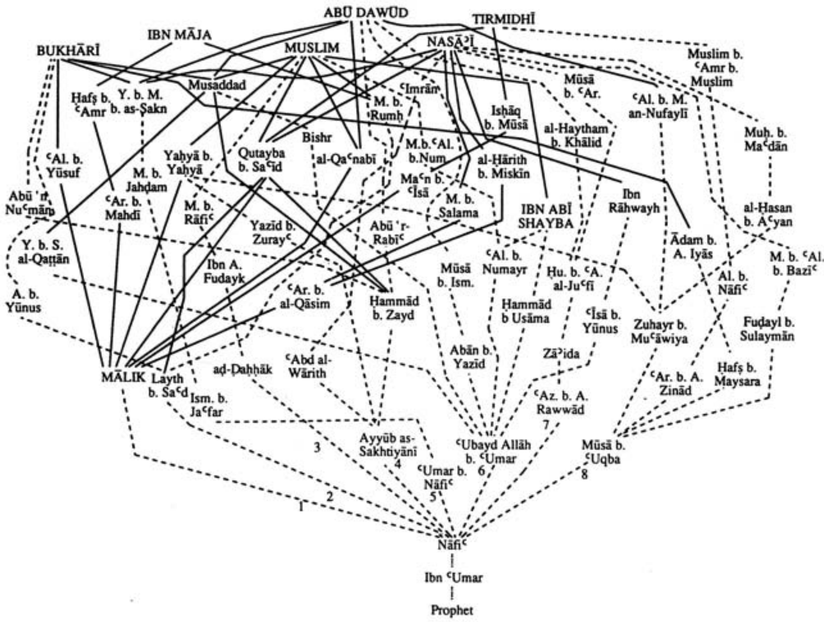


Diagram 3

solely on the basis of Mizzī's *Tuḥfa*.[95] Admittedly, Juynboll states in a footnote: "It will be appreciated that not every *isnād* strand supporting the *fiṭr matn* from the non-canonical collections was incorporated in the diagram; but every single one of them was studied and each strand which helped, or the case being so, denied, the confirmation of particular transmission lines from the diagram has been adduced in the text or notes."[96] That this claim is not true we will see shortly. For Juynboll's evaluation of the "non-canonical" collections by which he aims to complete the transmission strands of the "canonical" collections and checking the results of the *isnād* analysis against the material in the "non-canonical" collections is far from systematic.

If one intends to draw the far-reaching conclusions from *isnād* bundles that Juynboll does the only responsible approach is to base them on all accessible traditions, especially the traditions that are found in the "pre-canonical" collections. While the value of the "post-canonical" collections can be disputed, since their authors had the opportunity of

[95] Mizzī, *Tuḥfat al-ashrāf bi-maʿrifat al-aṭrāf*.
[96] Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 236, note 44.

raiding the "canonical" collections to invent new traditions, this does not hold for the collections whose authors lived before the "canonical" collectors. These collections comprise, in addition to the three already named – Mālik's (d. 179/795–6) *Muwaṭṭaʾ*, Ibn Abī Shayba's (d. 235/849–50) *Muṣannaf*, and Ibn Ḥanbal's (d. 241/855–6) *Musnad* – the *Musnad* of al-Ṭayālisī (d. 203/818–9), the *Muṣannaf* of ʿAbd al-Razzāq al-Ṣanʿānī (d. 211/826–7) and the *Musnad* of al-Ḥumaydī (d. 219/834–5), to mention only the principal ones that are now extant. Ignoring these collections brings the risk that conclusions drawn from a limited textual base will be undermined as soon as the other texts are brought into play.

One cannot accuse Juynboll of neglecting these pre-canonical collections entirely. He uses them; it is true. The problem is that he does not always take them into account in the places where they are relevant. Moreover, when he considers them, he does not always do so in a thoroughly exhaustive fashion. As an example of this we can take the results of his extensive and widely-sourced study of the *man kadhaba* and *niyāḥa* traditions. These are invalidated by the corresponding traditions in the *Muṣannaf* of ʿAbd al-Razzāq, a source which he neglected to use.[97] Similarly, gaps in Juynboll's *isnād* bundle relating to Nāfiʿ's *zakāt al-fiṭr* tradition from Ibn ʿUmar severely compromise his conclusions.[98]

If one searches the "pre-canonical" collections for this tradition, one finds paths of transmission that do not appear in Juynboll's Diagram 3 nor does he mention them elsewhere. For example, Ibn Abī Shayba's *Muṣannaf* contains the tradition of ʿUbayd Allāh ibn ʿUmar (strand 6)[99] as well as one from al-Ḍaḥḥāk ibn ʿUthmān, which Ibn Abī Shayba claims to have received from Ḥafṣ ibn Ghiyāth.[100] The result is that Juynboll's assessment of strand 3 in his diagram is no longer correct. He writes of this strand: "there are a few single strands fanning out after Nāfiʿ; number 3 is due to Muslim or his master."[101] Based on

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97 G.H.A. Juynboll, *Muslim Traditions. Studies in Chronology, Provenance, and Authorship of early Ḥadīth*, Chapter 3. See also my remarks on pp. 64–65.

98 The only "pre-canonical" collections which Juynboll sometimes mentions in the course of this study but which he does not use extensively, are the *Musnad* of Ibn Ḥanbal (notes 40 and 44; here vol. 1 should be corrected to vol. 2) and the *Muṣannaf* of Ibn Abī Shayba (note 39).

99 See also Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 233, note 39.

100 Ibn Abī Shayba, *al-Muṣannaf fī al-aḥādīth wa-al-āthār*, 3:172, line 11.

101 Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 235. In the following discussion of

the al-Ḍaḥḥāk tradition in Ibn Abī Shayba, strand 3 cannot be called a single strand. Muslim cannot be responsible for the *isnād* containing al-Ḍaḥḥāk if Ibn Abī Shayba, who was a generation older, already has it. Muslim's teacher, whom Juynboll cites as another possible forger was Muḥammad ibn Rāfiʿ. But he, too, is an unlikely candidate, since another of Muslim's teachers, Ibn Abī Shayba, also knew the tradition. One would have to construct the hypothesis that one (Ibn Abī Shayba or Muḥammad ibn Rāfiʿ) copied the other, but that each named another source (Ibn Abī Shayba has Ḥafṣ ibn Ghiyāth as informant whereas Muḥammad ibn Rāfiʿ gives the name Ibn Abī Fudayk). It is striking that Muslim only cites the al-Ḍaḥḥāk-traditions from his teacher Muḥammad ibn Rāfiʿ and not from Ibn Abī Shayba as well who was also his teacher.[102] For the proposition to hold that Muslim invented the *isnād* that runs through al-Ḍaḥḥāk one would have to assume that he knew the *isnād* of Ibn Abī Shayba but did not want to include it in his collection. This construct seems to me to raise more questions than it answers. In Diagram 5 below Juynboll depicts strand 4 according to Mizzī.

From it he makes the following deduction which I quote in full:

> Strand number 4 from Nāfiʿ... is probably Ḥammād ibn Zayd's work.... Ḥammād, a leading traditionist from Baṣra, died in the same year as Mālik (179/795). His dive via the Baṣran Ayyūb ibn Abī Tamīma al-Sakhtiyānī to Nāfiʿ was clearly meant to establish also a Baṣran background for the *fiṭr* precept. This is not just a surmise: Ḥammād can be found resorting to this procedure on a number of occasions. If the other *ṭuruq* fanning out from Ayyūb had not been single strands, we might have had to consider Ayyūb as a p[artial] c[ommon] l[ink] from Nāfiʿ, but that is not called for now. Fact is that Ayyūb appears often in the role of a seeming c[ommon] l[ink] and that it was especially Ḥammād ibn Zayd who used his persona for that purpose.[103]

Since it looks as though Ḥammād is the partial common link in the *isnād* strand that runs through Ayyūb ibn Abī Tamīma, Juynboll assumes that Ḥammād really got the tradition from Mālik, but did not want to name him and, therefore, invented his own "Baṣran" *isnād*. Examination of the "pre-canonical" collections of Ḥumaydī, ʿAbd

the transmission strands, it is helpful to have a look at Juynboll's diagrams that are reproduced here for this reason.

[102] For this reason it cannot be found in Mizzī's *Tuḥfa*.

[103] Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 230–231.

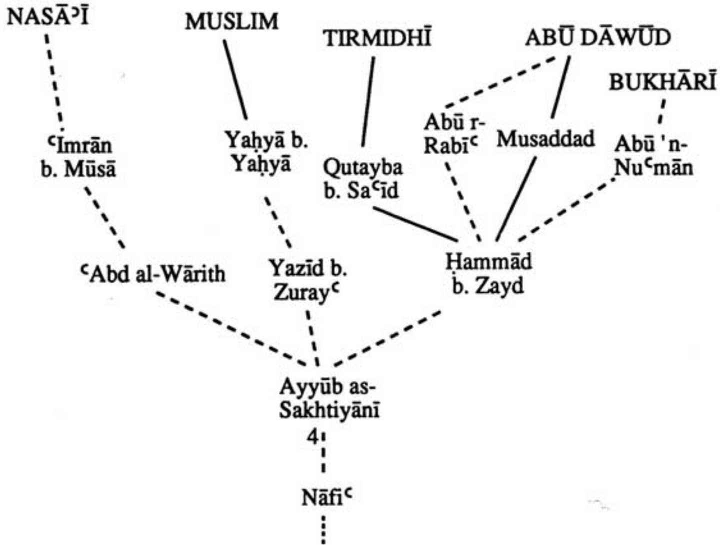


Diagram 5

al-Razzāq and Ibn Ḥanbal reveals that there are even older versions of the *fiṭr* tradition(s) of Ayyūb ibn Abī Tamīma which were not taken up in the canonical collections. In Ḥumaydī's *Musnad* it appears with the *isnād* Sufyān [ibn ʿUyayna] – Ayyūb [ibn Abī Tamīma] – Nāfiʿ etc.[104] Since both Ḥumaydī and Sufyān ibn ʿUyayna were scholars from Mecca, this strand should be labelled Meccan and not Baṣran. In the *Muṣannaf* of ʿAbd al-Razzāq the same tradition has the *isnād* Maʿmar [ibn Rāshid] – Ayyūb [ibn Abī Tamīma] – Nāfiʿ etc.[105] Although Maʿmar originally came from Baṣra, this is a Yemenite *isnād*. In Ibn Ḥanbal's *Musnad* we also find the *isnād* strand of Ismāʿīl [ibn ʿUlayya] – Ayyūb – Nāfiʿ etc.,[106] which is Baṣran.

If Juynboll's hypothesis that Ḥammād was the originator of the Ayyūb – Nāfiʿ strand in the *isnād* bundle is correct, three collectors: Ḥumaydī, ʿAbd al-Razzāq and Ibn Ḥanbal must have received this strand from Ḥammād. But this means that each must have replaced him with his own principal transmitter. This is improbable to say the least. Moreover, Maʿmar's close contact, even friendship with Ayyūb

[104] Ḥumaydī, *Musnad*, II, no. 701.
[105] ʿAbd al-Razzāq, *Muṣannaf*, 3:5762.
[106] Ibn Ḥanbal, *Musnad*, 2:5.

is very well documented both in biographical reports and by Maʿmar's traditions as well.[107] Juynboll would probably dismiss Ḥumaydī's and Ibn Ḥanbal's *asānīd* with the objection that Sufyān ibn ʿUyayna's and Ibn ʿUlayya's relations to Ayyūb ibn Abī Tamīma were "age tricks", since their years of death – Ayyūb died in 131/748–9 or in 132/749–50, Ibn ʿUlayya 193/809–10 and Sufyān 198/813–4 – lie too far apart.

We have already described how Juynboll overuses this argument.[108] In the biographical literature, both are named as important pupils of Ayyūb. A divergence of opinion about these two may, perhaps, still be understandable. In the case of Maʿmar, however, the same rule ought to be applied that Juynboll applies to some of Mālik's pupils who only appear in single strands within the *isnād* bundle. Yet he promotes these to the status of partial common links either because of biographical information or because of "their role as incontestable partial common links in a host of other bundles".[109] From this it is clear that there is at least one other partial common link for the Ayyūb tradition, apart from Ḥammād ibn Zayd, namely Maʿmar, and, thus, Ayyūb himself becomes a genuine partial common link.[110]

Juynboll's interpretation of strand 6 of the *isnād* bundle of ʿUbayd Allāh ibn ʿUmar, depicted in Diagram 6, is equally questionable. In his view ʿUbayd Allāh is "among the most spectacular seeming common links whom I have so far been able to identify among the transmitters of Muslim tradition literature".

This seems to him "eminently clear" from the *isnād* bundles of the *fiṭr* tradition. All strands passing through ʿUbayd Allāh are "single strands, for which…only the collectors or possibly their teachers can be held responsible".[111] Juynboll names the culprits in the relevant footnote. It is either Abū Dāwūd (d. 275/888–9) or his teacher Musaddad (d. 228/842–3), Muslim's teacher Ibn Abī Shayba (d. 235/849–50), Nasāʾī (d. 303/915–6) or his source Ibn Rāhwayh (d. 238/852–3) and

[107] See Motzki, "Der Fiqh des -Zuhrī," 4, 9–10; "The Jurisprudence of Ibn Shihāb al-Zuhrī," 5, 10 (including the sources on this view).
[108] See above pp. 68–69.
[109] See Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 236: "Even if some strands fanning out from Mālik have definitely a single strand appearance…their role as incontestable pcls in a host of other bundles which I analysed prompted me to represent their transmission my means of uninterrupted lines."
[110] Juynboll only speaks of a genuine common link or partial common link if there are three strands fanning out from one person, but this condition is not even fulfilled in the case of the transmitters from Mālik. On this see below pp. 86–88.
[111] Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 232.

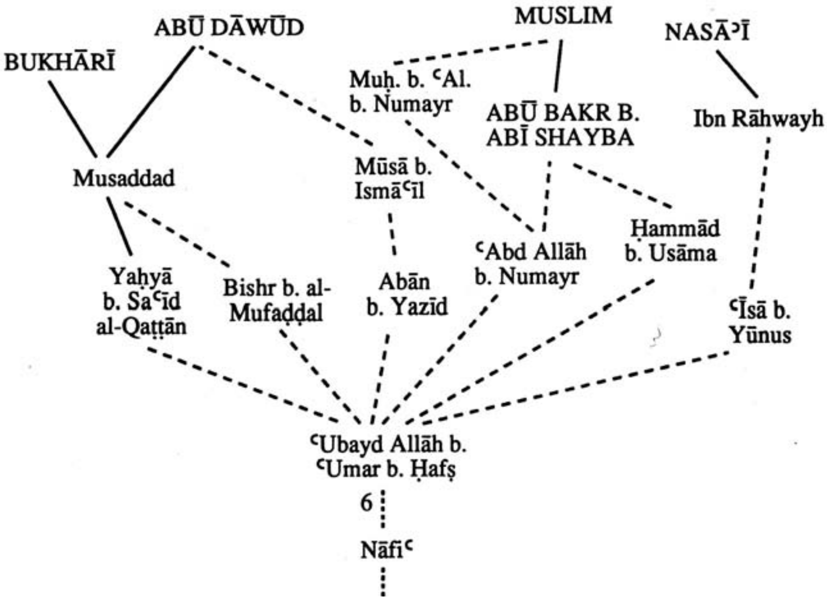


Diagram 6

Bukhārī's teacher Musaddad.[112] One wonders, confronted by this welter of *isnād* fabricators, how it could happen that three contemporaries such as Musaddad, Ibn Abī Shayba and Ibn Rāhwayh should pick on the same person to be an alleged Nāfiʿ transmitter. Did two of them get the idea from the third and, in order to conceal the fact, invent other intermediate persons between themselves and ʿUbayd Allāh? Or did they arrive independently at this scheme just for the sake of avoiding an *isnād* which runs through Mālik?

But this is not the only objection to Juynboll's view of the ʿUbayd Allāh traditions. His diagram of strand 6 can be filled out with the aid of ʿAbd al-Razzāq's *Muṣannaf*, where we find the *fiṭr* tradition with the *isnād*: al-Thawrī – ʿUbayd Allāh etc.[113] According to Juynboll's methodology, ʿAbd al-Razzāq (d. 211/826–7) should be the person "responsible" for this single strand.[114] One argument against this is that in the

[112] Ibidem, 233. The dates of their death are provided by me.

[113] ʿAbd al-Razzāq, *Muṣannaf*, 3:5763.

[114] This, then, would be "a dive from a Ḥijāzī traditionist" (see "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 234) which according to Juynboll cannot be found in the ʿUbayd Allāh → Nāfiʿ-corpus.

Muṣannaf ʿAbd al-Razzāq transmits directly from Mālik. Why should he, then, steal just this *fiṭr* tradition from him and invent for it transmitters other than Mālik? Another objection is that the *Muṣannaf* contains much conclusive evidence that ʿAbd al-Razzāq is not to be considered a perpetrator of systematic forgery.[115] Among the indications that he should not be considered a forger, the most significant is the fact that he transmits traditions directly from ʿUbayd Allāh.[116] Therefore, he had no need to allege that Thawrī was an intermediate link.[117] Furthermore, ʿAbd al-Razzāq reports not only ʿUbayd Allāh's version of the *ḥadīth* from Thawrī, but also that of Ibn Abī Laylā, pointing out substantial textual differences between the two.[118] None of this characterises moves which suggest deliberate fabrication.

If the collector ʿAbd al-Razzāq is not the forger of this tradition, could it be Thawrī? Juynboll makes a similar assumption in the case of the ʿUbayd Allāh tradition of Yaḥyā ibn Saʿīd, that is, that the person sitting immediately above ʿUbayd Allāh in the *isnād*, rather than the collectors or their teachers, is the forger. He explains this in the following way: "through ʿUbayd Allāh he [Yaḥyā ibn Saʿīd al-Qaṭṭān] made a dive for Mālik's alleged master so that he could share in the merit of displaying (someone else's) legal expertise without truthfully spelling out where he got it from."[119] Similar assumptions are made for other "younger Iraqi contemporaries" of Mālik, who are candidates for invention of the ʿUbayd Allāh traditions. But such an explanation will not fit Thawrī. He was a reputable law teacher and traditionist in Kūfa and older than Mālik.[120] He had no need to clothe himself in Mālik's scholarship; nor is this apparent in any of the texts of Thawrī known to me.

Everything indicates that Thawrī was a genuine transmitter of traditions from ʿUbayd Allāh, even though he only appears as a single strand in ʿAbd al-Razzāq. But is the evidence of Thawrī's transmission of the *zakāt al-fiṭr ḥadīth* only in the form of a single strand? Not at

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[115] See Motzki, *Die Anfänge der islamischen Jurisprudenz* and *The Origins of Islamic Jurisprudence*, passim.

[116] See for example ʿAbd al-Razzāq, *Muṣannaf*, 3:5838, 5844.

[117] Since the traditionists allegedly aimed at *asānīd* being as short as possible, such a forgery would be unlikely. This argument should be valued by Juynboll, because he himself uses it amongst others to explain the phenomenon of the *muʿammarūn*. See his article, "The Role of the *Muʿammarūn*," 173.

[118] On the version of Ibn Abī Laylā, see below pp. 110–111.

[119] Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 233.

[120] Thawrī died in 161/777–8.

all. It is found not only in ʿAbd al-Razzāq. It is also found in Dārimī's (d. 255/869) *Sunan*, handed down by Muḥammad ibn Yūsuf al-Ḍabbī (d. 212/827).[121] Hence, Thawrī is a partial common link in the ʿUbayd Allāh tradition. If one deduces from this that he was the first to invent the fabricated ʿUbayd Allāh tradition in order to copy a Mālik tradition, one should be able to put forward plausible reasons for this. It seems more likely, however, that Thawrī genuinely obtained the tradition from ʿUbayd Allāh.

For the sake of completeness we must mention the transmitters of the ʿUbayd Allāh tradition in Ibn Ḥanbal's *Musnad*,[122] not referred to by Juynboll. Of these, only Yaḥyā ibn Saʿīd al-Qaṭṭān appears in Juynboll's diagram as part of Bukhārī's and Abū Dāwūd's traditions. Ibn Ḥanbal's other transmitters are: Saʿīd ibn ʿAbd al-Raḥmān al-Jumaḥī[123] and Muḥammad ibn ʿUbayd ibn Abī Umayya.[124] Ibn Ḥanbal reports his traditions directly from Yaḥyā ibn Saʿīd and Muḥammad ibn ʿUbayd; those from Saʿīd ibn ʿAbd al-Raḥmān were transmitted through the intermediate link of Sulaymān ibn Dāwūd al-Hāshimī. The fact that Ibn Ḥanbal's links to ʿUbayd Allāh are sometimes via one, sometimes via two persons argues against his having fabricated these single strands. Why should he invent a longer *isnād* (via Sulaymān ibn Dāwūd *and* Saʿīd ibn ʿAbd al-Raḥmān) when shorter ones were generally preferred?[125] The objection might be made that, perhaps, in that case only the longer *isnād* is authentic. The two shorter ones are the invention of Ibn Ḥanbal. Purely by comparing *isnād* strands, this can neither be confirmed nor disproved. But even if it were the case, then the single strand with the two links would remain as genuine.

Let us turn for a moment to Juynboll's Diagram 7:

[121] I only refer to this fact at the margins of this chapter because this evidence cannot be deduced from a pure *isnād* analysis. The *isnād* in Dārimī's collection wrongly has ʿAbd Allāh, the brother of ʿUbayd Allāh. The fact that this is due to an error by a transmitter can only be concluded from the analysis of the texts which will take place in chapter IV of this study.

[122] Ibn Ḥanbal, *Musnad*, 2:63.

[123] Ibidem, 66, 137. Abū Dāwūd has this strand as well, but without mentioning his authority for it. Juynboll's Diagram 6 which represents the strands within the "canonical" collections should be corrected. See Abū Dāwūd, *Sunan*, 3:20,2.

[124] Ibn Ḥanbal, *Musnad*, 2:102.

[125] See Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 223.

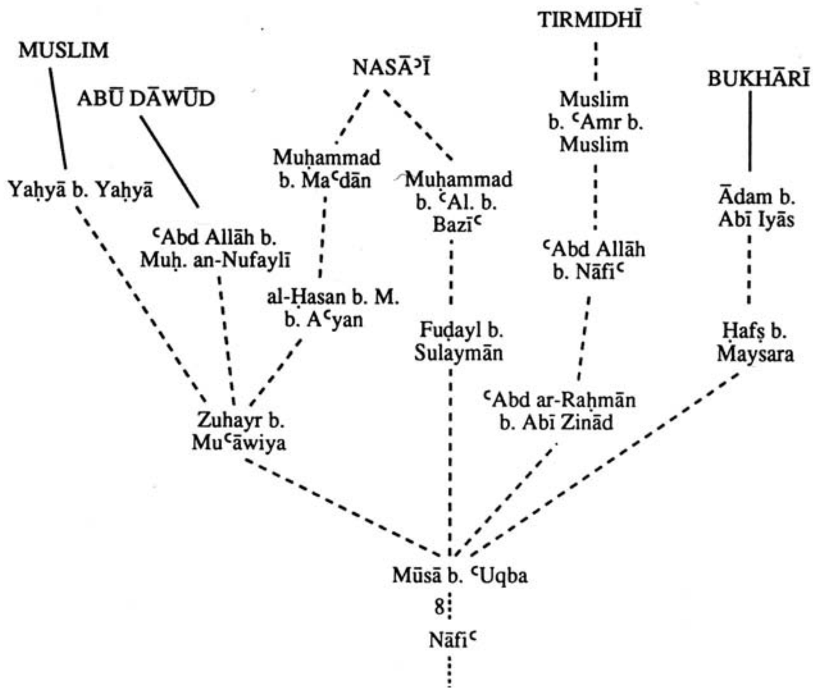


Diagram 7

Strand 8, which Juynboll depicts above runs through Mūsā ibn ʿUqba to Nāfiʿ.[126] Juynboll does not subject this strand to detailed analysis on the grounds that it exhibits very similar characteristics to the other diagrams.[127] Since he can find no definite partial common link, all the *asānīd* must go back to the compilers of the collections of the generation that died around 250/865 or later or their teachers who died around 225/840. Yet in the case of the Mūsā ibn ʿUqba – strand just as in the case of the ʿUbayd Allāh-strand (no. 6) there is an older source than the "canonical" collections. Again, this is the *Muṣannaf* of ʿAbd al-Razzāq. Here, the *fiṭr* tradition appears with the *isnād* Ibn Jurayj – Mūsā ibn ʿUqba etc.[128] Juynboll's evaluation of single strands calls here for the same critical approach that we applied in the case of ʿUbayd Allāh. ʿAbd al-Razzāq can again be safely eliminated as potential forger, as we have already seen, and Ibn Jurayj is unlikely to have invented

[126] Ibidem, 234.
[127] Ibidem, 235.
[128] ʿAbd al-Razzāq, *Muṣannaf*, 3:5845.

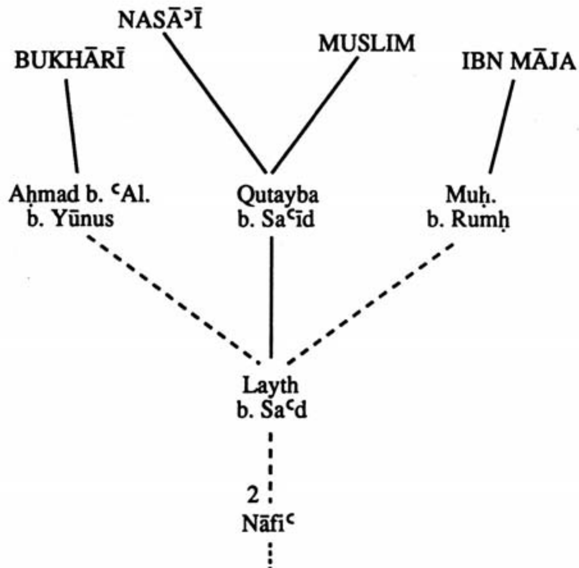


Diagram 4

Mūsā for the same reasons that disqualified Thawrī as a forger. What is more, Ibn Jurayj, as we have mentioned, also transmits directly from Nāfiʿ.[129] Why, then, should he fabricate indirect traditions from Nāfiʿ? The same argument can be used against the hypothesis that ʿAbd al-Razzāq invented these *asānīd*. What reason would he have for making up *asānīd* passing through two links, Ibn Jurayj and Mūsā, to Nāfiʿ, when he could go back to Nāfiʿ through Ibn Jurayj alone?

Strand 2 in Diagram 4 below is also dubious. Juynboll deduces from the strands running through Layth ibn Saʿd to Nāfiʿ that: "If Layth did not simply attach the Nāfiʿ – Ibn ʿUmar strand to a tradition he had heard from Mālik, as he so often did, the *fiṭr matn* may have been put into his mouth by Qutayba ibn Saʿīd (d. 240/854)."[130]

For one, what would Qutayba's motive have been for inventing Layth ibn Saʿd as a link to Nāfiʿ? Juynboll's hypothesis is that the traditionists who invented pupils of Nāfiʿ were younger contemporaries of Mālik who wanted to take credit for his knowledge of jurisprudence and traditions. Today, this would be called scientific espionage

[129] See p. 74.
[130] Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 229–230.

or plagiarism. But espionage and plagiarism have no relevance in this context. Qutayba is so much later that he cannot be called a younger contemporary but, at most, a pupil of Mālik. This Qutayba ibn Saʿīd is, in fact, known as a distinguished pupil of Mālik.[131] When discussing the Mālik diagram Juynboll himself points out that Qutayba is a true partial common link in the Mālik – Nāfiʿ tradition "by virtue of two or three different strands straight to the collectors".[132] If he was Mālik's student, received the Nāfiʿ tradition from him and handed it down, why invent another *isnād* for it?

To this inconsistency we can add another argument against Qutayba being a forger of the Layth-strand, applying the very rules that Juynboll follows in his *isnād* analysis. For Juynboll overlooks the fact that Muslim collected the Layth tradition not only *via* Qutayba ibn Saʿīd but also *via* Muḥammad ibn Rumḥ.[133] Since both Muslim and Ibn Māja refer to Ibn Rumḥ, the latter, like Qutayba, can be regarded as a *quasi* partial common link. When there are two partial common links, Juynboll in his article on Nāfiʿ, at least, tends to label the authority to whom the two refer a common link or partial common link and here he would have to do the same. If anyone wishes to believe that Layth ibn Saʿd (d. 175/791–2), a contemporary and friend of Mālik,[134] robbed him of his tradition and invented his own Nāfiʿ *isnād*, they are free to do so. But in my view Juynboll's circumstantial evidence does not substantiate such a claim.

We cannot leave our discussion of Juynboll's diagrams and analysis without briefly examining strand 1, the Mālik-strand (Diagram 8).

A major weakness in this diagram, in my view, is that, although three of the seven traditionists of Mālik, "by virtue of two or three different strands straight to the collectors", are considered as partial common links (al-Qaʿnabī, Qutayba ibn Saʿīd and ʿAbd al-Raḥmān ibn al-Qāsim), the quality of the various "strands" remains unclear.[135] By quality I mean whether each *isnād* has its own *matn* or is a bare chain of transmission. If one assumes that the collectors fabricated *asānīd* on a large scale, the bare *isnād* strand could just as well have been fabri-

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[131] See his biography in Ibn Ḥajar, *Tahdhīb*, 3:358–361.
[132] Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 235.
[133] This is even mentioned in Mizzī, *Tuḥfa*, 6:8270.
[134] On him see his biography in Dhahabī, *Tadhkira*, 1:224–226.
[135] Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 235.

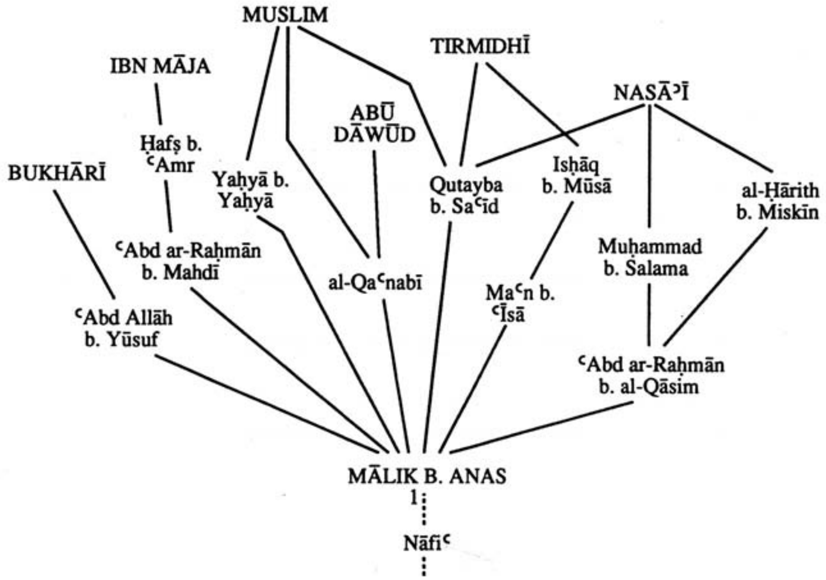


Diagram 8

cated as the single strands. Examination of these three partial common links with this in mind shows that in each case one of their two *asānīd* is a bare strand to which the collectors failed to attach a text.[136] Such a difference should be made clear in the graphical representation of an *isnād* bundle.

This finding weakens Juynboll's claim that the three are genuine partial common links. The only genuine one, confirmed by its two *matn-cum-isnād* strands, is probably ʿAbd al-Raḥmān ibn Mahdī. This, however, is not evident from the "canonical" collections, and therefore, not from Mizzī. It is only so when we look at one of the "non-canonical" ones, in this case Ibn Ḥanbal's *Musnad*.[137] Juynboll attempts to support his thesis that the transmitters of the Mālik traditions were true partial common links, even if this is not really clear from the *isnād* bundle, with a sweeping reference to biographical details about

[136] The third "strand" fanning out from Qutayba ibn Saʿīd (to Tirmidhī) should be deleted. This connection is mentioned neither in the edition of Tirmidhī's *Jāmiʿ* nor in Mizzī's *Tuḥfa*.

[137] Juynboll's reference to Ibn Ḥanbal in note 44 on p. 236 of his article is a misprint and should be corrected to *Musnad*, II, 63.

them[138] or to "their role as incontestable partial common links in a host of other bundles".[139]

If we go by the biographical literature, the first argument falls down.[140] On that criterion, by no means are all three genuinely "incontestable" pupils of Mālik; furthermore this literature frequently mentions that transmitters passed on traditions from one another or that one was the pupil/teacher of another although we find them in single strands. The second argument is dependent upon one's assessment of how "incontestable" these partial common links really are in the other bundles. Straightforward analysis of *asānīd* does not provide clarity in these cases, as our examination of the Mālik bundle for the *fiṭr ḥadīth* has shown.[141]

From the "pre-canonical" collections we can add a further three transmitters to the eight said by Mizzī to have transmitted the *fiṭr* tradition of Nāfiʿ in the "canonical" collections: ʿAbd Allāh ibn ʿUmar (the brother of ʿUbayd Allāh) transmits *via* Maʿmar and Surayj,[142] Ayyūb ibn Mūsā in an *isnād* of Ibn Jurayj[143] and finally Ibn Abī Laylā as quoted by Thawrī.[144] These three are omitted from Juynboll's diagram. This means that ʿAbd al-Razzāq had six different immediate transmitters of this Nāfiʿ tradition. He does not mention Mālik in this role, but ʿAbd al-Razzāq does quote in the broader context of the *zakāt al-fiṭr* rules a tradition of Mālik from Sulaymān ibn Yasār.[145] It seems rather unlikely that he should have invented these Nāfiʿ transmitters, merely to conceal the fact that he actually obtained this Prophetic *ḥadīth* from Mālik who was after all one of his teachers and whom he could equally have named. One or two other transmitters from Nāfiʿ would have been sufficient to circumvent Mālik.

Juynboll would probably reply: If Aḥmad ibn Ḥanbal, Bukhārī, Muslim and the other authors of the "canonical" collections invented

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[138] Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 235: "That is amply attested in undeniable terms in their respective *tarjamas* in, for example, Ibn Ḥajar's *Tahdhīb*."

[139] Ibidem, 236.

[140] For the problematic case of Qutayba ibn Saʿīd, see chapter IV below.

[141] On a method which brings much more clarity to this question see chapter IV.

[142] ʿAbd al-Razzāq, *Muṣannaf*, 3:5764; Ibn Ḥanbal, *Musnad*, 2:114. On ʿAbd Allāh ibn ʿUmar see Bukhārī, *Taʾrīkh*, 3/1:145; ʿIjlī, *Kitāb al-Ḍuʿafāʾ*, 280; Ibn Abī Ḥātim, *al-Jarḥ wa-l-taʿdīl*, 2/2:109–110.

[143] ʿAbd al-Razzāq, *Muṣannaf*, 3:6775. On Ayyūb ibn Mūsā, see Ibn Ḥibbān, *Thiqāt*, 6:53.

[144] ʿAbd al-Razzāq, *Muṣannaf*, 3:5763. On Ibn Abī Laylā, see Dhahabī, *Tadhkira*, 1:171.

[145] ʿAbd al-Razzāq, *Muṣannaf*, 3:5790.

hundreds of *isnād* strands, why should ʿAbd al-Razzāq not have done so?[146] Aside from the fact that there is in my view insufficient corroboration of this premise, at least one possible motive for the collectors who worked after Shāfiʿī (d. 204/819–20) and who aimed at the constitution of the *sunna* of the Prophet comes to mind: the creation of *mutawātir* traditions that could provide a sound textual foundation for the legal rulings of the *sharīʿa*. But is such a motive likely in the case of ʿAbd al-Razzāq, who was a generation older than Shāfiʿī? Examination of his *Muṣannaf* makes this seem unlikely: It contains far fewer Prophetic *aḥādīth* than traditions from other personages (*ṣaḥāba, tābiʿūn* and later scholars) and by no means all the traditions it does contain have unbroken *asānīd*.

Be that as it may, scrutiny of strands 2, 3, 4, 6 and 8 in Juynboll's bundle reveals that the fact that they are largely made up of single strands and spiders does not justify the conclusion that the relevant transmitters of the Nāfiʿ – Ibn ʿUmar tradition are fictitious. The mere fact that Mālik's pupils have left more traces in the "canonical" collections than those of other transmitters does not make Layth ibn Saʿd, Ayyūb ibn Abī Tamīma, ʿUbayd Allāh ibn ʿUmar, Mūsā ibn ʿUqba and probably al-Ḍaḥḥāk ibn ʿUthmān "non-historical" figures in this tradition. Thus, Juynboll's claim that Nāfiʿ is only a seeming common link in the Ibn ʿUmar tradition stands on shaky ground, as far as the complex of the *zakāt al-fiṭr* tradition is concerned. But since he is likely to have chosen this example for its very unassailability, our doubts will probably hold for other Nāfiʿ *aḥādīth* as well.

Hence, Juynboll's hypothesis that most traditions with the *isnād* Nāfiʿ – Ibn ʿUmar – Prophet originated from Mālik and that traditions of this kind in which Mālik does not appear must be regarded as "emulations" of corresponding Mālik traditions is highly improbable. This was demonstrated mainly by including in our analysis variants of the *zakāt al-fiṭr ḥadīth* found in the "pre-canonical" collections, sources which Juynboll largely ignored. However, there is another way of deciding with even greater confidence whether Nāfiʿ is or is not a true common link for this *ḥadīth*: An analysis of the transmission of the *matn* within this bundle of traditions.

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[146] See Juynboll's line of argument in "New Perspectives in the Study of Early Islamic Jurisprudence?," 360.

IV. Investigating the *Mutūn* of the *Zakāt al-Fiṭr* Tradition

It is striking that Juynboll in his analysis of the *zakāt al-fiṭr* tradition concentrates only on the chains of transmission. This gives the impression that there was one single *matn* which appears in the "canonical" collections with a number of different *asānīd* and that the different *asānīd* may be put together to make a "bundle supporting a *matn*".[147] If this was the case why does Juynboll not quote the *matn* of the *zakāt al-fiṭr ḥadīth*? Yet he carefully avoids to do. In fact, he cannot do so for the simple reason that such a uniform *matn* with identical wording does not exist. This is far from unusual in *ḥadīth* literature. It is rather a common phenomenon, even in shorter texts. The longer the *matn* the more variations in the wording. Because of this, Juynboll contents himself with rephrasing the content of the *ḥadīth*: "a general injunction to submit after *Ramaḍān* the *zakāt* or *ṣadaqat al-fiṭr* plus indications of the quantities of products to be submitted and of the persons for whom the injunction is obligatory."[148]

Of course, Juynboll knows that there are several versions of the text. Mizzī, the main source in his analysis of the *asānīd*, points out any major variations. But in Juynboll's interpretation of the strands of transmission, these variations are insignificant, at least in his study on Nāfiʿ. This is probably due to his conviction that a large part of the strands of one complex of traditions[149] are forgeries by the compilers in whose collections the texts may be found. One has to imagine a situation in which these collectors or their teachers knew the text of the tradition only in connection with one or with several intertwined *asānīd*. On reporting the tradition, they then provided it with several other invented *asānīd*. Juynboll's favourite and somewhat picturesque way of describing this process is to say: "It [a given *single strand*] came out of the hat of X" where X stands for some given collector.[150] When Juynboll cannot avoid taking textual variations into consideration, he probably suspects that the collectors or their teachers not only forged

[147] Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 228.

[148] Ibidem.

[149] I use the phrase "complex of traditions" (*Traditionskomplex*) to indicate that one has to deal with several variations of one *ḥadīth*.

[150] Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 235.

the *asānīd* but slightly manipulated the *matn* as well so that their "handiwork" might not be easily detected.[151]

But textual variations of "one" tradition may be due to reasons other than later manipulation. If reports are handed down from one generation to another, they are bound to change. These changes are, as everyone knows from everyday experience, most significant in the case of oral transmission. Distortions in content decrease the more the process of transmission is standardised and/or the more reports can be firmly attributed to lasting "carriers", for instance by writing them down. The standardisation of transmission only developed gradually within the first three Islamic centuries. This is true both for the development and application of set rules for the transmission of traditions and for the use of writing and the use of the book as additional means of carrying information alongside oral transmission. Accordingly, variations in the traditions must have been relatively large in the beginning but decreased with time.

Mālik ibn Anas

What point of reference should the student of Islamic history take for the reconstruction of the transmission process of a *ḥadīth*, an *athar* or a *khabar*? In most cases, the earliest available source in which the text is found. The *Muwaṭṭaʾ* of Mālik ibn Anas (d. 179/795–6) is almost generally accepted as the oldest collection of such traditions.[152] An enquiry into the Nāfiʿ – Ibn ʿUmar *ḥadīth* on the *zakāt al-fiṭr* should therefore start with this source. But can one safely assume that the text is to be found in the *Muwaṭṭaʾ*? The answer is: No! Even if our *ḥadīth* is known from the later compilations to be transmitted by Mālik, it does not necessarily follow that it may be found in the *Muwaṭṭaʾ*, since there were and are numerous versions of Mālik's *Muwaṭṭaʾ*, amongst which the two most voluminous and currently accessible differ significantly one from the other.[153] Furthermore, one cannot exclude *a priori* the possibility that the later compilations contain forged Mālik-traditions.

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[151] Ibidem, 232 f.

[152] On the issue of whether the *Muwaṭṭaʾ* is only ascribed to Mālik see note 157.

[153] On the several recensions see Carl Brockelmann, *Geschichte der arabischen Literattur*, I, 176; *Supplement* I, 297–299 and Fuat Sezgin, *Geschichte des arabischen Schrifttums*, I, 459–60.

The aforementioned *ḥadīth* does not appear in the oldest available comprehensive recension of the *Muwaṭṭaʾ* by Muḥammad al-Shaybānī (d. 189/805).[154] In it Mālik only reports one tradition by Nāfiʿ, "that Ibn ʿUmar used to send the *zakāt al-fiṭr* to the people who gathered around him and this being two or three days before the [feast of] breaking the fast (*fiṭr*)".[155] In contrast to this, the later recension of the *Muwaṭṭaʾ* by Yaḥyā ibn Yaḥyā al-Laythī (d. 234/848–9 or 236/850–1) contains a Prophetic *ḥadīth* on the *zakāt al-fiṭr* furnished with the *isnād* Mālik – Nāfiʿ – Ibn ʿUmar. Does this mean that the Prophetic tradition was circulated by Yaḥyā ibn Yaḥyā and does not go back to Mālik?

If Juynboll were true to his method he should answer "yes". After all, the time gap between the deaths of Mālik and Yaḥyā is nearly as wide as that between Mālik and Nāfiʿ, i.e., fifty six years.[156] If in the latter case Juynboll concludes that one cannot believe in Mālik's alleged teacher-pupil-relationship to Nāfiʿ, the same should be true in the case of Yaḥyā's transmission of the *Muwaṭṭaʾ*, the standard version of the text amongst Muslim and non-Muslim scholars alike.[157] Given Juynboll's assumption that the later collectors forged *asānīd* on a wide scale, it is thus conceivable that all later writers copied the *ḥadīth* from Yaḥyā and then tried to conceal this by inventing different chains of transmission. Their deception would have been motivated by discrepancy between the respective ages of Yaḥyā and Mālik, a fact certainly no less obvious to them than to us.

[154] According to biographical tradition the Irāqī scholar Shaybānī collected his material at the age of 20 from Mālik. Since Shaybānī was born 132/750, this would have happened soon after 150/767. See the preface by the editor of Shaybānī's recension of Mālik's *Muwaṭṭa'*, ʿAbd al-Wahhāb ʿAbd al-Laṭīf, and the sources for this account (p. 23, note 2).

[155] Mālik, *Muwaṭṭa', riwāyat al-Shaybānī*, 120, no. 344.

[156] It is sixty two years between Mālik and Nāfiʿ.

[157] Incidently, doubts about the fact whether Yahyā did hear the (entire) *Muwaṭṭaʾ* from Mālik can be found expressed in the Muslim biographical literature, see Ibn Ḥajar, *Tahdhīb*, 11:300 f. Norman Calder in his *Studies in Early Muslim Jurisprudence* goes even further. According to his opinion, both versions of the *Muwaṭṭa'* by Shaybānī and by Yaḥyā are no real records from Mālik. Even the names Shaybānī and Yaḥyā ibn Yaḥyā are only fictitous "labels". The historical individuals with these names cannot be or can hardly be related to the books which are attributed to them. But Calder's hypothesis is untenable. See Y. Dutton, "ʿ*Amal* v. *ḥadīth* in Islamic Law: The Case of *sadl al-yadayn* (Holding One's Hands By One's Sides) When Doing the Prayer," esp. 28–33; M. Muranyi, "Die frühe Rechtsliteratur zwischen Quellenanalyse und Fiktion"; H. Motzki, "The Prophet and the Cat"; W.B. Hallaq, "On Dating Mālik's *Muwaṭṭaʾ*."

But that is too hasty a conclusion. It is also possible that Shaybānī's version of the *Muwaṭṭaʾ* is not complete. Perhaps, Mālik's lecture notes called *Muwaṭṭaʾ* were not as extensive in the period when Shaybānī studied with him as they became later, or Mālik may have only lectured from certain portions of his *Muwaṭṭaʾ* so that the full text did not reach Shaybānī. The latter may have lost some pages on his travels or he may have forgotten some traditions. Shaybānī may even have deliberately omitted texts from his recension because they were widely known in Iraq or did not sit comfortably with his own legal opinions. The fact that our *ḥadīth* cannot be found in Shaybānī's recension of the *Muwaṭṭaʾ* does not necessarily mean that it was circulated by Mālik after Shaybānī had studied with him or that is was not circulated by Mālik at all but only later by Yaḥyā. One should be chary of labelling as a forgery anything which later collectors report from an earlier scholar but, nonetheless, cannot be found in the known works of that scholar.[158]

In the case of the *zakāt al-fiṭr ḥadīth*, the conundrum can in fact be resolved. Shāfiʿī (d. 204/819–20) in his *Kitāb al-Umm* quotes the said *ḥadīth* from Mālik.[159] If one reads Shāfiʿī's discussion of the *zakāt al-fiṭr* it becomes clear that this *ḥadīth* is not a later addition to the *Kitāb al-Umm* by its transmitter Rabīʿ ibn Sulaymān who may have taken it from Yaḥyā ibn Yaḥyā. Nāfiʿ's *ḥadīth* from the Prophet is central to Shāfiʿī's discussion,[160] and it seems certain, therefore, that Mālik transmitted this *ḥadīth* to his pupils, since both Shāfiʿī and Yaḥyā ibn Yaḥyā transmitted it from him.[161] The fact that in the *Kitāb al-Umm* – very similar to the *Muwaṭṭaʾ* in the recension of Yaḥyā – the *ḥadīth* of Ibn ʿUmar is followed by a tradition of Abū Saʿīd al-Khudrī on the same subject, even suggests that Shāfiʿī took his Mālik tradition on the *zakāt al-fiṭr* from a prototype of the *Muwaṭṭaʾ* (Mālik's lecture notes?).

What is the wording of the text in the transmission by Mālik? In the printed version of the recension of Yaḥyā ibn Yaḥyā it reads: "*Ḥaddathanī Yaḥyā ʿan Mālik ʿan Nāfiʿ ʿan ʿAbd Allāh ibn ʿUmar*

[158] Juynboll often refers to *e silentio* arguments of this kind. See his review "New Perspectives in the Study of Early Islamic Jurisprudence?," 360.

[159] Shāfiʿī, *Kitāb al-Umm*, 2:62.

[160] Ibidem, 63.

[161] One could only assume that Shāfiʿī is the real origin of the transmission, that he attributed the *fiṭr-ḥadīth* to Mālik, and that Yaḥyā has taken his tradition from Shāfiʿī. But this may be safely excluded by comparing the texts.

anna rasūla allāhi (ṣ) *faraḍa zakāta al-fiṭri min ramaḍāna ʿalā al-nāsi ṣāʿan min shaʿīrin ʿalā kulli ḥurrin aw ʿabdin dhakarin aw unthā min al-muslimīn.*"[162] (Yaḥyā told me from Mālik from Nāfiʿ from ʿAbd Allāh ibn ʿUmar that the Messenger of God [eulogy] imposed the alms of the breaking of the fast at Ramadan upon the people, [being] a *ṣāʿ*[163] of barley for every free man or slave, male or female among the Muslims.)

It is odd that this *matn* varies in an important detail from the text which in the "canonical" collections is attributed to Mālik. All the texts there have: "*ṣāʿan min tamrin aw ṣāʿan min shaʿīrin*" (a *ṣāʿ* of dates or a *ṣāʿ* of barley). One might attribute this to an editing error. However, the same wording is found in Zurqānī's *Sharḥ*, an early twelfth century hijrī or late seventeenth century common era commentary on the *Muwaṭṭaʾ*. Hence, it would appear that in the manuscripts it was a confirmed report.[164] How is this variation of the wording in the "canonical" collection to be explained? Was it inserted by some later transmitter or by the collectors for some reason, for example to make the alms possible even in a situation where there is no barley? This cannot be so, since Shāfiʿī in his *Kitāb al-Umm* quotes within the *matn* of his Mālik tradition the passage omitted in Yaḥyā's text. Therefore, the reason for this omission must be sought in an error in the transmission which may have occurred at any time in the transmission process and in all likelihood goes back to Yaḥyā ibn Yaḥyā himself. Experts on the *Muwaṭṭaʾ* like Ibn ʿAbd al-Barr (d. 463/1070–1) pointed out several mistakes and *lapsus calami* in Yaḥyā's version.[165] In this case we can clear the canonical collectors or their teachers from the suspicion of having forged a *matn* element.

How, in the course of time, was the wording of this *ḥadīth* – which goes back to Mālik – transmitted? First of all one must ask whether the wording transmitted by Shāfiʿī is identical to the one which used to be transmitted by Mālik? This is uncertain. Shāfiʿī's text is only *one* version of the Mālik tradition which – although very old – is not necessarily better than the one found in the later collections. Although the

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[162] *Muwaṭṭaʾ, Kitāb al-zakāh, Bāb* 28, 1 (no. 54).

[163] A *ṣāʿ* is a dry measure which varies in quantity.

[164] However, in a re-edition of M. Fuʾād ʿAbd al-Bāqī's edition which was published by *Dār al-Turāth al-ʿArabī* in Beirut in 1985, the missing passage is added without commentary.

[165] See Ibn Ḥajar, *Tahdhīb*, 11:301.

matn is relatively short, it is still possible that Shāfiʿī did not transmit it *verbatim*. One has to take this possibility into account, since there is another small deviation in the wording of his version from that of Yaḥyā ibn Yaḥyā. In this case it is unclear which of the two is responsible for the variation: Instead of "*aw ʿabd*" and "*aw unthā*" in Yaḥyā's text, Shāfiʿī gives "*wa*" instead of "*aw*".

Juynboll has depicted the strands of transmission of the Mālik tradition up to the "canonical" collections in Diagram 8 above.[166] Is the *matn* in this process of transmission always the same? On a broader perspective, yes, but there are a number of small variations. In Bukhārī "*min ramaḍān*" and "*ʿalā al-nās*" is lacking. Apart from this his tradition does have both "*ṣāʿ min tamr*", as in Shāfiʿī, as well as the expression "*aw*" preceding the nouns "*ʿabd*" and "*unthā*", as in Yaḥyā ibn Yaḥyā.[167] Although Juynboll in his diagram has three transmitting links going to Muslim, Muslim has only one text.[168] He has taken the wording from Yaḥyā ibn Yaḥyā al-Naysābūrī[169] and this fact is explicitly pointed out by Muslim himself. This means that the traditions of his two other sources were not entirely identical with Yaḥyā's. In comparison to the three aforementioned traditions – Yaḥyā ibn Yaḥyā al-Laythī, Shāfiʿī and Bukhārī – this text could represent Mālik's original wording, since in those passages where the other texts vary, Muslim's text is identical to two of them at the time.[170]

It might be thought that Muslim invented the two other strands of transmission quoted in his texts. This is not the case, since the texts of these other transmitters are found in other collections. Thus, Juynboll rightfully represented them with uninterrupted lines. After a comparison of the texts of these transmitters – the text of Qaʿnabī in Abū Dāwūd[171] and that of Qutayba ibn Saʿīd in Nasāʾī[172] – it becomes

[166] Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 236. See above p. 87.

[167] Bukhārī, *al-Jāmiʿ al-ṣaḥīḥ*, 7:71. Since there are so many different editions of the "canonical" collections in use, I quote according to the system in Mizzī's *Kashshāf* (i.e., vol. XIV of his *Tuḥfa*).

[168] Muslim, *al-Jāmiʿ al-ṣaḥīḥ*, 5:51.

[169] This Yaḥyā ibn Yaḥyā al-Naysābūrī is not identical to the transmitter of the most common recension of the *Muwaṭṭaʾ*. Juynboll also points out this fact, see his "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 236, note 45.

[170] Thus, it is the wording of Yaḥyā ibn Yaḥyā al-Laythī plus "*ṣāʿ min tamr*" which is missing there. The conclusion that this version represents the original text is only provisional. See below pp. 96–97.

[171] Abū Dāwūd, *Sunan*, 3:20,1.

[172] Nasāʾī, *Sunan*, 5:32.

clear that Muslim has chosen the best of three different versions of the *matn*. In the case of ʿAbd Allāh ibn Maslama al-Qaʿnabī the *matn* breaks off after "*faraḍa zakāt al-fiṭr*", and "*ʿalā al-nās*" is missing. After this, it starts with a nominal sentence with "*zakāt al-fiṭr*" as its subject. Consequently "*ṣāʿ*" as the predicate of the nominal sentence has to take the nominative. The rest is identical to the other versions of the text. The version of Qutayba ibn Saʿīd in Nasāʾī's collection varies most from all the texts mentioned so far: it does not start with "*inna rasūla allāhi faraḍa*" but with "*qāla: faraḍa rasūlu allāhi*". Furthermore, "*al-fiṭr min*", "*ʿalā al-nās*" and "*min al-muslimīn*" at the end are missing. The measures that follow at the end of the text and the categories of persons on whom the fast-breaking alms are incumbent are mentioned at its beginning. As in Shāfiʿī these groups are conjoined by "*wa*" rather than "*aw*" and in addition to this they are enlarged by two categories which cannot be found in any other of these traditions of Mālik: "*ṣaghīr wa-kabīr*".[173]

Nasāʾī offers yet another text apart from this.[174] In this case, he quotes two different transmitters: Muḥammad ibn Salama and al-Ḥārith ibn Miskīn both of whom claim to have taken the *ḥadīth* from [ʿAbd al-Raḥmān] Ibn al-Qāsim, a well-known pupil of Mālik. Nasāʾī points out that he has taken the wording of his text from al-Ḥārith and not from Muḥammad ibn Salama. This, again, means that the two traditions were not identical. Like Muslim, Nasāʾī has chosen the better version. It is in its wording identical to Muslim's versions of Yaḥyā ibn Yaḥyā al-Naysābūrī which – we have already mentioned – looks like the one which has best preserved the original wording.

In comparison, the *matn* of ʿAbd al-Raḥmān ibn Mahdī (contained in Ibn Māja's collection and transmitted by Ḥafṣ ibn ʿUmar)[175] varies considerably from this wording. Like the version of Qutayba ibn Saʿīd it starts with "*qāla: faraḍa rasūlu allāhi*". Instead of "*zakāt al-fiṭr*" the phrase "*ṣadaqat al-fiṭr*" is used which is rare among the transmissions from Mālik.[176] Furthermore, "*min ramaḍān*" and "*ʿalā al-nās*" is missing. Finally, the two species which may be given as alms are in different order from all other texts.

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173 This increase may be due to the tradition of ʿUbayd Allāh, see below pp. 102, 103.
174 Nasāʾī, *Sunan*, 5:33.
175 Ibn Māja, *Sunan*, 8:21,2. It is not Ḥafṣ ibn ʿAmr as Juynboll has following Mizzī's *Tuḥfa*; see the printed version of Ibn Māja and Ibn Ḥibbān, *Thiqāt*, 8:201.
176 It is only found in ʿAbd al-Raḥmān's version transmitted by Ibn Ḥanbal in his *Musnad* (2:87).

Ibn Ḥanbal's version of ʿAbd al-Raḥmān[177] resembles that of Ibn Māja in many respects. It also introduces the text with "*qāla: faraḍa rasūlu allāhi*", uses "*ṣadaqat al-fiṭr*" and omits "*min ramaḍān*" and "*ʿalā al-nās*". This suggests that Ibn Ḥanbal has his text also from ʿAbd al-Raḥmān ibn Mahdī. It differs, however, from Ibn Māja's version by two details: 1) The order of the two species which may be given as alms (the order is the same as in all other transmissions from Mālik). 2) The two categories of persons who are liable for the alms have changed their usual places. Furthermore, "*ʿan kull*" takes the place of "*ʿalā kull*"[178] and the categories of persons are – like in Shāfiʿī – conjoined by "*wa*" instead of "*aw*". The differences can, perhaps, be explained by assuming either that ʿAbd al-Raḥmān ibn Mahdī transmitted the *ḥadīth* in different wordings, or that the transmitters from him (Ibn Ḥanbal and/or Ḥafṣ ibn ʿUmar or later transmitters) did not reproduce it accurately.[179]

The analysis of Mālik's *matn* may be completed by a tradition which can be found in an early "non-canonical" collection, the *Sunan* of Dārimī (d. 255/869).[180] He transmits the text from Khālid ibn Makhlad.[181] His *matn* differs from the majority of Mālik traditions in that it does not start with "*anna rasūla allāhi faraḍa*" but with "*qāla: faraḍa rasūlu allāhi*".[182] Apart from this, in comparison to the majority of Mālik traditions, there is only "*ʿalā al-nās*" missing.[183]

Two of Mālik's pupils transmit the *ḥadīth* in identical wording.[184] Since Shāfiʿī's version differs only insignificantly from this text, it may be concluded that Mālik as a rule transmitted the *ḥadīth* in these words.[185] Consequently, it would not be he who is responsible for

[177] *Musnad*, 2:63. This strand is lacking in Juynboll's Diagram 8.

[178] This a typical error as it occurs while copying a text. It need not necessarily be attributed to Ibn Ḥanbal himself.

[179] See above note 176. Because of the similarities with ʿAbd al-Raḥmān ibn Mahdī's version it is less probable that Ibn Ḥanbal's tradition is from another ʿAbd al-Raḥmān, e.g., the Baghdādī scholar ʿAbd al-Raḥmān ibn Ghazwān (d. 187/803) who is also known as a pupil of Mālik.

[180] Dārimī, *Sunan*, 3:27,1.

[181] On this personality see Dhahabī, *Tadhkira*, 2: 406 ff.

[182] The only similar cases to this are Qutayba ibn Saʿīd and the two ʿAbd al-Raḥmāns in Ibn Māja's *Sunan* and Ibn Ḥanbal's *Musnad*, see above notes 171, 174, 176.

[183] The fact that the categories of persons are in one case conjoined by "*wa*" and in another by "*aw*" probably goes back to the carelessness of a later transmitter.

[184] The version of Maʿn ibn ʿĪsā in Tirmidhī's collection differs from this version only by the ommission of "*ʿalā l-nās*". Tirmidhī, *al-Jāmi al-ṣaḥīḥ*, 3:35,4.

[185] The fact that six different versions (ʿAbd Allāh ibn Yūsuf, Qaʿnabī, Qutayba ibn Saʿīd, ʿAbd al-Raḥmān ibn Mahdī, Maʿn ibn ʿĪsā and Khālid ibn Makhlad) do not have

the variations but rather his pupils who transmitted the text to the teachers of the collectors or to the collectors themselves. Or, the text could alter in the following generation, that of the pupils of Mālik's pupils. An example for such an alteration are the two traditions by Ibn al-Qāsim which are mentioned in Nasāʾī's collection and the two versions of ʿAbd al-Raḥmān ibn Mahdī, analysed above. Mizzī's description of the Mālik traditions does not mention a single difference in the text, although some of them might lead to grave legal consequences.[186] An analysis of *aḥādīth* on the basis of Mizzī's *Tuḥfa* may easily overlook that there are different texts with varying wordings corresponding to the different *isnād* strands. Since there is a clear a connection between *asānīd* and *mutūn*, it is not advisable to issue statements on the authenticity or on the fictitious character of transmission paths if these statements are grounded solely on the analysis of *isnād* strands and leave out the corresponding texts of an *isnād* bundle.

I suppose Juynboll essentially agrees to the above analysis of the Mālik tradition since it supports in principal his opinion that this case is an example for a genuine and historically credible tradition which has passed from a teacher to his pupils, even if the wording differs amongst the pupils. Compared to the sole examination and graphical representation of *isnād* strands, the analysis on the basis of *matn cum isnād* delivers more certainty in the question of whether there are genuine *partial common links*. The reasons mentioned above give the impression that for the proof of authenticity of an *isnād* strand it is of no decisive importance whether it is interwinded in a network or not.

Mūsā ibn ʿUqba

In the same way one may analyse the *isnād* bundles of the other transmitters of the Nāfiʿ-tradition. In all these cases Juynboll suspects that

the phrase "ʿ*alā l-nās*" could well be used against this hypothesis. But five out of these six versions differ in other parts of the text as well and there is every reason to believe that these errors are due to careless transmissions. The replacement of "*aw*" by "*wa*" is a similar case. Here, three different texts agree on this issue (Shāfiʿī, Nasāʾī following Qutayba ibn Saʿīd and Ibn Ḥanbal following ʿAbd al-Raḥmān [ibn Mahdī]). But, since Qutayba's version generally has many variations and ʿAbd al-Raḥmān's tradition has this characteristic only in one of its versions, it seems improbable that these are the words of Mālik. The conjunctions "*aw*" and "*wa*" are easily confused which is evident from Dārimī's version following Khālid ibn Makhlad where these two words are swapped.

[186] See Mizzī, *Tuḥfa*, 6:8321.

they are forgeries constructed on the model of the Mālik – Nāfiʿ-transmission. If this is the case, it will be mirrored in the texts of these transmission bundles. Let us start with the variations of the *matn* in strand 8, Mūsā ibn ʿUqba – Nāfiʿ. The transmitters of this strand can be found in the "canonical" collections and they are put together and arranged by Juynboll in his Diagram 7 above.[187] This diagram is complemented by the above mentioned *isnād*: ʿAbd al-Razzāq – Ibn Jurayj – Mūsā ibn ʿUqba – Nāfiʿ – etc.[188] The oldest collection in which the tradition of Mūsā ibn ʿUqba is mentioned is the *Muṣannaf* by ʿAbd al-Razzāq. This shall be our point of departure and there we read: "*Akhbaranā Ibn Jurayj qāla: akhbaranī Mūsā ibn ʿUqba ʿan Nāfiʿ ʿan Ibn ʿUmar anna rasūla llāhi* (ṣ) *amara bi-zakāti l-fiṭri, qabla khurūji l-nāsi ilā l-muṣallā.*"[189] (Ibn Jurayj told us, he said: I was told by Mūsā ibn ʿUqba from Nāfiʿ from Ibn ʿUmar that the Messenger of God (eulogy) ordered the alms of breaking the fast [to be paid] before the people went out to the place of prayer.)

This text differs considerably from the one transmitted by Mālik. Only the first part "that the Messenger of God ordered the alms of breaking the fast" is identical in its content with Mālik's tradition. But it differs in its wording. It seems to be very unlikely that this *matn* is constructed after the model of the Mālik – Nāfiʿ-*ḥadīth*. Everything which characterise the Mālik-text – the categories of substances the alms may consist of and the persons who have to pay it – is missing. Juynboll's hypothesis that the allegedly faked traditions of Nāfiʿ, that is, all those which do not come from Mālik, "tried to emulate […] the *fiṭr matn* supported by the Mālik/Nāfiʿ strand", because "Mālik's juridical expertise and his concise, finely-chiselled legal parlance in these *mutūn* eventually acquired widespread fame"[190] cannot be the case. At least, this is true in the Mūsā ibn ʿUqba-tradition.

Furthermore, Juynboll holds the opinion that all *isnād* strands within the Ibn ʿUqba-bundle are fabricated by the collectors or their teachers.[191] If this were so, there should be no typical Ibn ʿUqba-*matn* because any one of the fabricators would have taken the version of the Mālik-*matn* and would have provided it with an Ibn ʿUqba-strand. But the existence of such a characteristic Ibn ʿUqba-*matn* can be proven. The tradition

[187] Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 234. See above p. 84.
[188] See above pp. 84–85.
[189] ʿAbd al-Razzāq, *Muṣannaf*, 3:5845.
[190] Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 237.
[191] See above p. 84.

of Ḥafṣ ibn Maysara in Bukhārī's collection differs from the wording of Ibn Jurayj in the *Muṣannaf* only in two points: Instead of "*rasūl allāhi*" it has "*al-nabī*" and instead of "*al-muṣallā*" one reads "*al-ṣalāh*" (to the prayer).[192] The text of Zuhayr ibn Muʿāwiya is transmitted in three versions, one in Muslim's collection, one in Abū Dāwūd's and a third in Nasāʾī's. The version as we find it in Muslim's collection differs from that of Ibn Jurayj only in two passages: between "*al-fiṭr*" and "*qabla khurūj*" it adds "*an tuʾaddā*" (that it be contributed) and it has at the end – similar to the text in Bukhārī – "*al-ṣalāh*" rather than "*al-muṣallā*".[193] The wording of the Zuhayr-tradition in Abū Dāwūd's collection is to a great extent identical to Muslim's version. It only varies in the grammatical construction at the beginning of the text: "*qāla: amara rasūlu llāhi.*" Furthermore, it adds a statement by Nāfiʿ on the legal practice of Ibn ʿUmar to the Prophetic *ḥadīth*, a passage which Muslim probably omitted: "Ibn ʿUmar used to pay it [i.e., the *zakāt al-fiṭr*] one or [the text has: and] two days before it [the *ʿīd al-fiṭr*]."[194] The text of Zuhayr in the collection of Nasāʾī differs from the one in Muslim only in the use of "*ṣadaqa*" instead of "*zakāh*".[195]

Compared to the versions of Ibn Jurayj and Ḥafṣ ibn Maysara, the variations of Zuhayr have a common characteristic which no other version has: "*an tuʾaddā*". This is a strong indication for the fact that these words go back to Zuhayr and not to one of the later collectors or their teachers, as Juynboll indicates in his diagram by using a dotted line. Zuhayr should, therefore, be regarded as a genuine partial common link.

According to Nasāʾī, the tradition of Fuḍayl differs from that of Zuhayr in the use of "*ṣadaqa*" rather than "*zakāh*".[196] One may ask whether Nasāʾī has overlooked the words "*an tuʾaddā*" which are typical of Zuhayr and cannot be found in any other version. Eventually, this short passage is omitted in the *matn* of Ibn Abī Zinād in Tirmidhī's collection as well. Yet this tradition differs in its *matn* considerably from all other Ibn ʿUqba-versions. Its *matn* suffered severely from the re-arrangement of words and can hardly be understood. Instead

192 Bukhārī, *Jāmiʿ*, 7:76,1.
193 Muslim, *Jāmiʿ*, 5:6,1.
194 Abū Dāwūd, *Sunan*, 3:18,2.
195 Nasāʾī, *Sunan*, 5:45,1.
196 Ibidem.

of "*amara*", it says "*kāna yaʾmuru*". A graver corruption follows: "*bi-ikhrāji zakāti qabla al-ghuduwwi li-l-ṣalāti yawma al-fiṭr*" instead of "*bi-zakāti l-fiṭri qabla khurūji l-nāsi ilā l-ṣalāh*". Is this wording trying to be more precise than the original Ibn ʿUqba-text by saying exactly which *ṣalāh* is meant? Whether it was Ibn Abī Zinād or just later transmitters who are responsible for this hybrid cannot be said as long there are no other variants.

To conclude the *matn-cum-isnād* analysis of the Ibn ʿUqba-bundle, we may say that four out of five *isnād* strands which go back to Ibn ʿUqba are identical in their *matn* and that even the fifth one which differs may clearly be recognised as an Ibn ʿUqba-*matn*. This means that Ibn ʿUqba's transmission of the Nāfiʿ-*ḥadīth* has its own text which is considerably different from the one in the Mālik – Nāfiʿ-transmission. One may even go so far to say that it is a different Prophetic *ḥadīth*. This again is a good argument for the hypothesis of Mūsā ibn ʿUqba as being the source of the *matn* and therefore a genuine common link, even if his bundle is just a spider.

One may still hold it possible that six different collectors or their teachers could invent new *isnād* strands for a given text. Juynboll has this in mind. But it is hard to accept that each of them would provide his *isnād* strand with a text which do on the one hand follow the Mālik – Nāfiʿ-*ḥadīth* as a model text but on the other hand deviates considerably from it and showing in these deviations many common characteristics with the text of the other forgers.

ʿUbayd Allāh ibn ʿUmar

The results emerging from the analysis of the Ibn ʿUqba-bundle allow us to put forward the following working hypothesis: Similar conditions prevail in the other strands of the Nāfiʿ – Ibn ʿUmar-tradition on the *zakāt al-fiṭr*, although not necessarily in all of these bundles, since forgeries cannot *a priori* be excluded. To check this hypothesis let us turn back to the *matn* of strand 6 (Diagram 6 above)[197] which represents the transmission of ʿUbayd Allāh ibn ʿUmar and which is – according to Juynboll – "amongst the most spectacular seeming c[ommon] l[ink]s whom I have so far been able to identify among the transmitters of

[197] Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 231. See above p. 81.

Muslim tradition literature...."[198] The collectors credit ʿUbayd Allāh with more traditions from Nāfiʿ than any other transmitter, including Mālik.[199]

I shall start my analysis with the "pre-canonical" collections. In the oldest collection to mention the tradition of ʿUbayd Allāh, the *Muṣannaf* of ʿAbd al-Razzāq, we read: "*ʿan al-Thawrī ʿan Ubayd Allāh ibn ʿUmar ʿan Nāfiʿ ʿan Ibn ʿUmar...qāla: amara rasūlu llāhi* (ṣ) *bi-zakāti l-fiṭri ʿalā kulli ḥurrin, ʿabdin muslimin, ṣaghīrin wa-kabīrin, ṣāʿin min tamrin aw ṣāʿin min shaʿīr.*"[200] (From al-Thawrī, from ʿUbayd Allāh ibn ʿUmar, from Nāfiʿ, from Ibn ʿUmar who said: The Messenger of God [eulogy] ordered that the alms of the breaking of the fast [be paid by] every free [and] slave Muslim, [being] a minor or an adult of a *ṣāʿ* of dates or a *ṣāʿ* of barley).

Ibn Abī Shayba in his *Muṣannaf* transmits a similar text via Abū Usāma from ʿUbayd Allāh. But there are small variations and re-arrangements: "*faraḍa*" instead of "*amara bi*", "*ṣadaqa*" instead of "*zakāh*", "*ʿabdin aw ḥurr*" instead of "*ḥurrin ʿabdin muslim*" and he has the two categories of alms in the accusative placed before the categories of persons and not after them.[201] The only difference in content is the omission of the word "*muslim*" in Abū Usāma's tradition.[202]

Ibn Ḥanbal's *Musnad* has the ʿUbayd Allāh-tradition transmitted by three different persons. The *mutūn* of two of these, Yaḥyā [ibn Saʿīd][203] and Muḥammad ibn ʿUbayd,[204] are also very similar to those of the Thawrī- and Usāma-versions. Both of them have "*faraḍa*", but only one has "*zakāh*", the other "*ṣadaqa*"; one of them mentions the types of alms (in the accusative) before, the other after the categories of persons; one determines these categories with the articles and joins them with "*wa*", the other leaves out the article and has the conjunction "*aw*"; one has "*mamlūk*" for slave, the other "*ʿabd*".[205]

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198 Ibidem, 232.
199 Ibidem.
200 ʿAbd al-Razzāq, *Muṣannaf*, 3:5763.
201 Ibn Abī Shayba, *Muṣannaf*, 3:172.
202 Since this element does not appear in all the other variants of the ʿUbayd Allāh-tradition it may well go back to the wording of Ibn Abī Laylā whose tradition in ʿAbd al-Razzāq's collection is fused with the one of ʿUbayd Allāh (on Ibn Abī Laylā's tradition see below pp. 110f). Another argument in favour of this hypothesis is provided by a parallel tradition in Dārimī's *Sunan* where this element is also missing. On this variant see below p. 112.
203 *Musnad*, 2:55.
204 Ibidem, 102.
205 On the text of the third transmitter see below p. 104.

All four ʿUbayd Allāh traditions discussed so far are much closer to the one by Mālik than the Ibn ʿUqba-traditions. The majority uses "*faraḍa*" just like Mālik[206] and not "*amara*" like Ibn ʿUqba. The ʿUbayd Allāh-traditions have both types of alms and a category of persons which is also mentioned in Mālik's *ḥadīth* (free people and slaves), but which is not mentioned in Ibn ʿUqba's. The decisive difference is the replacement of "male or female" in the Mālik-tradition by "a minor or an adult" in the tradition of ʿUbayd Allāh.[207] In addition to this, notable characteristics of the Mālik-tradition like "*min ramaḍān*", "*ʿalā l-nās*" and "*min al-muslimīn*" at the end are missing.[208] Just like the strands of the Nāfiʿ-*ḥadīth* discussed above, the transmission *via* ʿUbayd Allāh evidently has its own individual features.

Analysis of the ʿUbayd Allāh-*mutūn* in the "canonical" collections confirms this conclusion. Bukhārī's version from Yaḥyā ibn Saʿīd differs from the *matn* in Ibn Ḥanbal's collection only in the fact that the categories of persons are placed after the types of food.[209] Abū Dāwūd's wording from Yaḥyā ibn Saʿīd (and Bishr ibn Mufaḍḍal) is identical to the one in Bukhārī if one allows minor variations like "*al-nabī*" and "*ṣadaqa*" rather than "*rasūlu llāhi*" and "*zakāh*" and listing of the foods in reverse order.[210] Muslim's version from Abū Usāma [Ḥammād ibn Usāma] (and ʿAbd Allāh ibn Numayr)[211] transmitted by Abū Bakr ibn Abī Shayba is – with the exception of a single word ("*zakāh*") – identical to the aforementioned Abū Usāma-tradition in Ibn Abī Shayba's *Muṣannaf*.[212]

Despite the variants leading back to a *matn* of ʿUbayd Allāh which is clearly distinct from Mālik's, there are also traditions from ʿUbayd Allāh which have more similarities with Mālik's version. Two variants

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[206] Only Thawrī is an exception to this rule. It is evident from the comparison with a parallel text in Dārimī's *Sunan* (which there is wrongly connected to the name of ʿAbd Allāh) that this wording goes back to him and not to ʿUbayd Allāh or ʿAbd al-Razzāq. On this parallel text see below p. 112.

[207] In the transmissions from Mālik these words only appear in a single version. See above p. 96.

[208] Within the transmission of ʿUbayd Allāh only Thawrī has "*muslim*" but in a different place. On this additional element in the ʿUbayd Allāh-tradition see notes 201 and 202 above.

[209] Bukhārī, *Jāmiʿ*, 7:78.

[210] Abū Dāwūd, *Sunan*, 3:20,3. In his version one of the two "*ṣāʿin min*" is omitted.

[211] Muslim, *Jāmiʿ*, 5:5,2.

[212] See above p. 102. This shows that this particular variation is not specific and may occur in any strand. The use of the synonyma "*nabī*" instead of "*rasūl allāh*", "*wa*" instead of "*aw*" and "*mamlūk*" instead of "*ʿabd*" should be regarded as a similar case.

have the additional element of "*al-dhakar wa-l-unthā*" which forms part of the Mālik-*matn*.[213] This is the case in the version of Isḥāq ibn Ibrāhīm [ibn Rāhwayh] from ʿĪsā ibn Yūnus in Nasāʾī's *Sunan*[214] and in the version of Mūsā ibn Ismāʿīl from Abān ibn Yazīd. The deviation of this latter version from the standard version of ʿUbayd Allāh is pointed out by Abū Dāwūd.[215] It is tempting to suspect that this is not an original part of ʿUbayd Allāh's *matn*, but rather an interpolation from the version of Mālik.[216] The comment by Abū Dāwūd seems to suggest that he ascribes this passage to Mūsā rather than Abān as the direct transmitter of ʿUbayd Allāh. Accordingly, Ibn Rāhwayh should be made responsible in the version transmitted by Nasāʾī. But this does not seem certain, since Mālik's *matn* obviously had a special attraction for the transmitters of the related Nāfiʿ-traditions from very early on. This is clear from the version of Sulaymān ibn Dāwūd al-Hāshimī from Saʿīd ibn ʿAbd al-Raḥmān al-Jumaḥī to be found in the *Musnad* of Ibn Ḥanbal[217] but also known to Abū Dāwūd who refers to it.[218] The text of this variant is – judging from the version in Ibn Ḥanbal – almost identical to the one of Mālik and it contains those typical Mālik-passages such as "*min ramaḍān*" or "*min al-muslimīn*" at the end[219] which are not found with most other Nāfiʿ-transmitters. The appropriate view on this variant is expressed in Abū Dāwūd's comment: "*wa-l-mashhūr ʿan ʿUbayd Allāh laysa fīhi ʿmin al-muslimīnʾ*" (in that which is [commonly] known from ʿUbayd Allāh, "*min al-muslimīn*" cannot be found).[220] Hence, analysis of the *mutūn* within the strand of ʿUbayd Allāh leads us to conclude – as in the case of the transmission from Ibn ʿUqba – that it has distinctive features and is in principle independent of Mālik's text.

[213] But not exclusively of the Mālik-*matn*, on this see below p. 105.
[214] Nasāʾī, *Sunan*, 5:34.
[215] Abū Dāwūd, *Sunan*, 3:20,3.
[216] Or the one of Ayyūb ibn Abī Tamīma. See below p. 105. There is still a more elegant and plausible explanation of this foreign element in the *matn*. On this cf. below p. 113.
[217] Ibn Ḥanbal, *Musnad*, 2:66, 137.
[218] Therefore, a strand Abū Dāwūd [Sulaymān ibn Dāwūd al-Hāshimī] → Saʿīd ibn ʿAbd al-Raḥmān al-Jumaḥī → ʿUbayd Allāh should be added to Juynboll's Diagram 6.
[219] For a complete correspondence only "*ʿalā al-nās*" is missing.
[220] See p. 102 and note 208.

Ayyūb al-Sakhtiyānī

Is the same true in the case of strand 4 (Diagram 5), Ayyūb ibn Abī Tamīma al-Sakhtiyānī? Let us start with the *matn* of the oldest collection available to us. According to the *Muṣannaf* of ʿAbd al-Razzāq, Maʿmar transmitted from Ayyūb from Nāfiʿ from Ibn ʿUmar: "*Qāla: faraḍa rasūlu llāhi* (ṣ) *zakāta l-fiṭri ʿalā l-dhakari wa-l-unthā wa-l-ḥurri wa-l-ʿabdi, ṣāʿun min tamrin aw ṣāʿun min shaʿīr.*"[221] (He said: The Messenger of God [eulogy] imposed the alms of the breaking of the fast upon the man and the woman, the free and the slave; [it consist of] a *ṣāʿ* of dates or a *ṣāʿ* of barley).

The version of Sufyān ibn ʿUyayna from Ayyūb found in the *Musnad* of Ḥumaydī is far shorter. It has only: "The Messenger of God [eulogy] said: The *ṣadaqat al-fiṭr* is a *ṣāʿ* of barley or a *ṣāʿ* of dates."[222] The word "*faraḍa*" is replaced by "*qāla*" but more importantly the categories of the persons who are liable to give the alms are lacking and the order of the categories of alms is reversed.[223]

The tradition of Ismāʿīl [ibn Ibrāhīm ibn ʿUlayya] from Ayyūb which is accessible in the *Musnad* of Ibn Ḥanbal[224] corresponds in its wording almost entirely to the version of Maʿmar. Instead of "*zakāt al-fiṭr*" it has "*ṣadaqat ramaḍān*", "*ʿabd*" is replaced by "*mamlūk*" and "*min*" is lacking twice after "*ṣāʿ*".

Juynboll's Diagram 5 makes it clear that a number of Ayyūb-traditions in the "canonical" collections go back to Ḥammād ibn Zayd.[225] Indeed we have three texts to compare: Bukhārī's tradition from Abū Nuʿmān and Tirmidhī's as well as Nasāʾī's versions of Qutayba ibn Saʿīd.[226] The two last mentioned are wholly identical. Bukhārī's wording differs only slightly from Qutayba's. In Bukhārī's version it says

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[221] ʿAbd al-Razzāq, *Muṣannaf*, 3:5762.

[222] Ḥumaydī, *Musnad*, 2:701.

[223] Sufyān gives these categories later in one of the two Nāfiʿ-traditions which in Ḥumaydī's *Musnad* are mentioned directly after this short one. This Nāfiʿ-tradition does not refer to the Prophet but to the practice of Ibn ʿUmar and it has "the minor and the adult" instead of Maʿmar's "the man and the woman".

[224] Ibn Ḥanbal, *Musnad*, 2:5.

[225] The diagram itself is not correct. The strands Abū Dāwūd → Abū l-Rabīʿ and Abū Dāwūd → Musaddad are to be crossed out. The former does not represent the Prophetic *ḥadīth* but an addition to it by Ibn ʿUmar. This is even mentioned in Mizzī, *Tuḥfa*, 7:7510. On the other hand there should be added an additional strand from Nasāʾī to Qutayba ibn Saʿīd.

[226] Bukhārī, *Jāmiʿ*, 7:77; Tirmidhī, *Jāmiʿ*, 3:35,3; Nasāʾī, *Sunan*, 5:31.

"*al-nabī*" instead of "*rasūl allāh*" and after the word "*fiṭr*" follows a commentary of a transmitter: "*aw qāla ramaḍān*", meaning the commentator could not recall whether Ayyūb's text contained the words "the alms of the breaking of the fast" or "the alms of Ramadan".[227] Characteristic of all three variants of Ḥammād ibn Zayd's tradition and hence of the language used by Ḥammād ibn Zayd himself is the use of the word "*ṣadaqa*" and the measure "*ṣāʿ*" in the indeterminate accusative. The last mentioned feature corresponds to the two remaining versions, those of Yazīd ibn Zurayʿ and of ʿAbd al-Wārith which are mentioned in the *Jāmiʿ* of Muslim and in the *Kitāb al-Sunan* of Nasāʾī. But these two texts use the phrase "*ṣadaqat ramaḍān*" instead of "*ṣadaqat al-fiṭr*".[228]

In the light of these findings, the question of whether there has been *one single* original Ayyūb-wording remains open. It is still possible that Ayyūb reported the *ḥadīth* sometimes in these, sometimes in other words. It is evident that most of the six traditions which go back to him use the word "*ṣadaqa*", three of them in connection with "*ramaḍān*", rather than "*fiṭr*" and that can be regarded as a characteristic feature of Ayyūb as compared to the texts of all the other Nāfiʿ-transmitters.[229] Three of the variants have another characteristic: The measure "*ṣāʿ*" is not in the indeterminate accusative. This seems to be the (an?) original wording since it is a *lectio difficilior*. The versions of the text with indeterminate accusative should be regarded as an attempt to smooth the language and make it fit better into the context of the other traditions. We may assume that these three characteristic features of the *matn* go back to Ayyūb himself. The following observation may support this view: All the versions of the Prophetic *ḥadīth* whose transmission is connected to the name of Ayyūb have as an additional element a saying of Ibn ʿUmar. In five of the six versions this saying runs as follows: "*fa-ʿadala l-nāsu bihi/baʿdu*[230] *niṣfa ṣāʿin*

[227] This gloss probably goes back to Abū l-Nuʿmān or maybe to Bukhārī himself since two other transmitters of Ḥammād do have "*fiṭr*".

[228] Muslim, *Jāmiʿ*, 5:5,3; Nasāʾī, *Sunan*, 5:30.

[229] Apart from the Ayyūb-tradition, a similar expression (*zakāt ramaḍān*) only occurs once in the tradition from Mālik, namely in that of Qutayba ibn Saʿīd (in Nasāʾī). See above p. 96. Since the text differs considerably from the *matn* of Mālik this is due less to an interpolation from the side of the Ayyūb-tradition than due to carelessness (omission of "*fiṭr min*"). This is even the more likely since Qutayba's version of the Ayyūb-tradition does not have "*ramaḍān*".

[230] Bukhārī, Muslim and Nasāʾī (from ʿAbd al-Wārith) have "*bihi*"; ʿAbd al-Razzāq, Ibn Ḥanbal and Abū Dāwūd have "*baʿdu*" instead of "*bihi*"; Tirmidhī and Nasāʾī (both from Ḥammād) have "*ilā*".

min burr" (later the people eqalled half a *ṣāʿ* of wheat [of the type which is called] *burr* to it [i.e., a *ṣāʿ* of barley].[231] Amongst all the other strands discussed above, this textual addition is unique for the Ayyūb – Nāfiʿ-strand of transmission.[232]

It is clear from this that the Ayyūb-tradition did not originate following the model of the Mālik-*matn*. The number of variations from the text of Mālik lead us to a very different conclusion. Ayyūb does not have Mālik's characteristic "*ʿalā l-nās*" and "*min al-muslimīn*". Moreover, the order of the categories of persons in most of its variants differs from Mālik's. It has to be said, however, that amongst the texts of all the Nāfiʿ-transmitters discussed so far, the *matn* of Ayyūb is closest to Mālik's text. If one wishes to assume an interdependence of the two traditions of texts, it makes more sense to postulate that the Ayyūb-*matn* was the model for Mālik rather than the other way around since Mālik's *matn* is more detailed and precise. But there is no need to suggest such interdependence. The similarities between them could well have been caused by dependence on a common source. However, discussion of this question should be postponed until all traditions of texts have been examined.

Layth ibn Saʿd

Let us now look at the last strand in the transmission of Nāfiʿ which is represented by Juynboll in a separate diagram, that is, the tradition of Layth ibn Saʿd (strand 2, Diagram 4).[233] With this tradition we have three texts which are to a great extent identical.[234] According to the two versions of Muḥammad ibn Rumḥ and Qutayba ibn Saʿīd quoted in Muslim's collection the text runs: "*Akhbaranā l-Layth ʿan Nāfiʿ anna ʿAbd Allāh ibn ʿUmar qāla: inna rasūla llāhi* (ṣ) *amara bi-zakāti l-fiṭr,*

[231] The variations of the wording in the different texts are of no importance. Only Sufyān's version in Ḥumaydī is more precise and mentions that this happened in the days of Muʿāwiya's caliphate. The version of Maʿmar differs from the majority of the texts insofar as it has "two *mudd* of wheat [of the type which is called *qamḥ*]" as being the equivalent.

[232] A comparable addition can only be found in the Layth-tradition. See below p. 108.

[233] Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 229. See above p. 85. Please note that a strand from Muslim to Muhammad ibn Rumḥ which was overlooked by Juynboll should be added to this diagram, cf. p. 86.

[234] According to Mizzī's *Tuḥfa*, VI, no. 8270 the tradition of Nasāʾī mentioned in Juynboll's diagram can be found in his *al-Sunan al-kubrā* which has been edited only recently (Beirut: 1991). However, I could not find it in the edition. On the *asānīd* of strand 2 see pp. 85–86.

ṣāʿin min tamrin aw ṣāʿin min shaʿīr."[235] (Al-Layth reported to us from Nāfiʿ that ʿAbd Allāh ibn ʿUmar said: "The Messenger of God (eulogy) ordered the alms of the breaking of the fast [in form of] a *ṣāʿ* of dates or a *ṣāʿ* of barley"). The text of Ibn Māja which is quoted from the same Muḥammad ibn Rumḥ differs from the one in Muslim in that the measure for the food is in the accusative not in the genitive.[236] In this, it corresponds to Bukhārī's tradition from Aḥmad ibn Yūnus.[237]

One characteristic of the Layth-tradition is that it does not mention the group of persons for whom the order is obligatory. This is a distinctive feature separating it from the *mutūn* of Mālik, ʿUbayd Allāh and Ayyūb. The three versions of the Layth-tradition all correspond in the use of the word "*amara bi*".[238] Thirdly, all Layth-texts have an additional text which follows the Prophetic *ḥadīth*: "*qāla ʿAbd Allāh: fa-jaʿala l-nāsu ʿidlahu muddayni min ḥinṭa*."[239] (ʿAbd Allāh said: [Afterwards,] the people made two *mudd* of wheat [of the type *ḥinṭa*] to his [the *ṣāʿ* of barley] equivalent.) This recalls the additional element in the Ayyūb-texts, although there in most cases "half a *ṣāʿ* of *burr*-wheat" was mentioned.[240] Furthermore, the Ayyūb-texts use the verb "*ʿadala*" and not the infinitive. The additional element to the Prophetic *ḥadīth* within the strand of the Layth-tradition should therefore be regarded as a typical feature in its *matn*. Accordingly, the tradition of Layth is as individual and distinctive as the texts of the transmitters of Nāfiʿ which have been discussed so far. A dependence on Mālik's *matn* maybe excluded for the same reasons which have been given in detail in the case of the Ayyūb-strand.

Thus, we have analysed the five most important bundles in the transmission of Nāfiʿ's Prophetic *ḥadīth* on the alms of breaking the fast, the *asānīd* of which are presented by Juynboll in separate diagrams. However, we should postpone our final conclusions until those variants of the text have been discussed which do not appear so often in the collections. Juynboll in his general survey of the entire *isnād*

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[235] *Jāmiʿ*, 5:5,4.

[236] *Sunan*, 6:21,1. This leads to the conclusion that Muslim's wording goes back to Qutayba ibn Saʿīd. Muslim in many cases mentions from which source he has taken his wording if there is more then one *isnād*. However, here he does not.

[237] *Jāmiʿ*, 7:74.

[238] This is typical for the *matn* of Mūsā ibn ʿUqba as well, but apart from this it varies most significantly in its contents.

[239] Muslim: "Ibn ʿUmar".

[240] Only the tradition of Maʿmar → Ayyūb is an exception. This says "two *mudd* of *qamḥ*-wheat", see note 231.

bundle supporting this Nāfiʿ-tradition (Diagram 3)[241] listed three further strands, which go back to alleged Nāfiʿ-transmitters: al-Ḍaḥḥāk (no. 3), ʿUmar ibn Nāfiʿ (no. 5) and ʿAbd al-ʿAzīz ibn Abī Rawwād (no. 7). To complete this survey, we need to add three further transmitters who appear in the "pre-canonical" collections:[242] ʿAbd Allāh ibn ʿUmar, Ibn Abī Laylā and Ayyūb ibn Mūsā. Let us start with the latter.

Ayyūb ibn Mūsā

The text of the tradition transmitted by Ibn Jurayj from Ayyūb ibn Mūsā[243] from Nāfiʿ which can be found in the *Muṣannaf* of ʿAbd al-Razzāq is almost identical to the *matn* of the Layth-version discussed above.[244] It has both the typical "*amara*"[245] and also the additional remark by Ibn ʿUmar that is typical of this textual tradition. In light of the significant differences that we have detected in the *mutūn* of the various transmitters so far, this is an astonishing result. How can we explain this close similarity of the two texts? Juynboll would probably say: ʿAbd al-Razzāq copied the text from one of Layth's pupils or from Layth himself, but not wanting to admit this, fabricated his own *isnād* to support the tradition.

Such a hypothesis is less plausible, than it may, *prima facie*, appear. Why should ʿAbd al-Razzāq choose the name of Ayyūb ibn Mūsā in his attempt to forge an *isnād*? This name appears among the more than twenty thousand single traditions in his *Muṣannaf* only two or three times. Furthermore, one wonders why he considered the tradition of Layth worthy of transmission, since he had much more detailed and more precise versions than this one at his disposal. Thirdly, it is not clear why he should want to disguise the origin of the text from Layth, since in his *Muṣannaf* we find a number of texts which name Layth in their *asānīd*. For these reasons, we can, I think, safely exclude ʿAbd al-Razzāq from being the forger.

If ʿAbd al-Razzāq really has the text from Ibn Jurayj – which is confirmed by other circumstantial evidence in the *Muṣannaf* –[246] then it

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[241] Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 228.
[242] See pp. 107–108.
[243] On him see Ibn Ḥibbān, *Thiqāt*, 4:53; Ibn Ḥajar, *Tahdhīb*, 1:412.
[244] ʿAbd al-Razzāq, *Muṣannaf*, 5775.
[245] Although with "*fī*" instead of "*bi*".
[246] See Motzki, *Die Anfänge der islamischen Jurisprudenz* and *The Origins of Islamic Jurisprudence*, passim.

can hardly go back to Layth, since Ibn Jurayj (d. 150/767) is a generation older than Layth (d. 175/791–2). If the *mutūn* of Layth and Ayyūb depend on each other then the former has to depend on the latter. Layth would have taken it from Ibn Jurayj or Ayyūb and then suppressed these names and invented his own chain of transmitters back to Nāfiʿ. In view of the difference in age between Layth and Nāfiʿ this possibility at least would make sense.[247]

But if one is not *a priori* convinced by the hypothesis that the development of *ḥadīth* literature relies for the most part on forgeries and if, moreover – on the basis of our arguments in the preceding section – one does not consider the age difference impossible or improbable, one may conceive of Ayyūb and Layth taking their text from a common source, namely, Nāfiʿ. Which of the two explanations for the similarity of the texts is true, whether a) Layth has the text from Ibn Jurayj or Ayyūb or whether b) Layth has it from Nāfiʿ as well, is impossible to decide, since more texts are needed for a reliable comparison.

Ibn Abī Laylā

ʿAbd al-Razzāq in his *Muṣannaf* reports the tradition of Ibn Abī Laylā (d. 148/765–6) as deriving from Thawrī. ʿAbd al-Razzāq quotes it in the context of Thawrī's version of ʿUbayd Allāh's *ḥadīth*.[248] This means that both texts followed essentially the same wording. If one compares this text to the other variants of the ʿUbayd Allāh-*matn* one recognises that Thawrī's version contains two elements which do not occur in any other *matn* of ʿUbayd Allāh, namely, "*ḥurr* [*wa*-] *ʿabd muslim*" instead of just "*ḥurr wa-ʿabd*" and "*amara*" instead of "*faraḍa*". The most likely explanation traces these details back to the version of the *faqīh* Ibn Abī Laylā. This is supported by the fact that the early jurists were divided over the question of whether the owner of non-Muslim slaves has to pay the alms of the breaking of the fast for these slaves as well.[249] The fact that the tradition of Ibn Abī Laylā is not just a

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[247] A further argument in favour of this hypothesis would be that the biographical literature mentions Layth as a pupil of Ayyūb ibn Mūsā. See Ibn Ḥajar, *Tahdhīb*, 1:412.

[248] See note 200.

[249] See ʿAbd al-Razzāq, *Muṣannaf*, 3:5808–5813. This dispute may even have provided the background for the addition of "*min al-muslimīn*" in the *matn* of Mālik (see above pp. 94, 103).

copy of the ʿUbayd Allāh-*matn* but rather an independent tradition may be concluded from a remark by ʿAbd al-Razzāq: "*qāla Ibn Abī Laylā fī ḥadīthihi ʿan Nāfiʿ: qāla Ibn ʿUmar: fa-ʿadalahu l-nāsu baʿdu bi-muddayni min burr*." (Ibn Abī Laylā said in his *ḥadīth* from Nāfiʿ: "Ibn ʿUmar said: 'Later the people equalled it [a *ṣāʿ* of barley] to two *mudd* of [wheat of the type of] *burr*.'") Similar but not identical additions to this occur in the *mutūn* of Ayyūb ibn Mūsā and of Layth (two *mudd*) and in the *matn* of Ayyūb ibn Abī Tamīma (*burr*).

Again, there seems to be little reason to assume in the case of the Ibn Abī Laylā-tradition from Nāfiʿ that it was fabricated by the collector ʿAbd al-Razzāq. One only needs to compare it with the different texts of the other transmitters of Nāfiʿ within the *Muṣannaf*.[250] There are no reasonable grounds for suggesting that Thawrī invented the text or took it from someone other than Ibn Abī Laylā. One can safely assume that this tradition of Nāfiʿ was indeed transmitted by Ibn Abī Laylā.

ʿAbd Allāh ibn ʿUmar

Another transmitter of Nāfiʿ's *ḥadīth* is ʿAbd Allāh ibn ʿUmar ibn Ḥafṣ, the brother of ʿUbayd Allāh. Ibn Ḥanbal in his *Musnad* has a complete *matn* transmitted by him which has the following characteristics:[251] The introductory verb found in all the other texts (*faraḍa* or *amara*) is missing. The *matn* of ʿAbd Allāh has "*ʿalā kulli muslim*". This does not appear in any other version. Still, he lists six categories of persons who are liable to pay the alms. He lists the two categories "a minor or an adult" which we considered typical for ʿUbayd Allāh[252] and the four categories found in the textual tradition of Ayyūb ibn Abī Tamīma and Mālik. This listing of categories is characteristic of the *matn* of ʿAbd Allāh. The unusual features of this tradition from Nāfiʿ are also noted by Abū Dāwūd.[253]

ʿAbd al-Razzāq in his *Muṣannaf* writes that he took the ʿAbd Allāh-tradition from Maʿmar. He does not quote the text but describes it as being "*mithla ḥadīth ʿUbayd Allāh*" (just like the *ḥadīth* of ʿUbayd Allāh) whose *matn* he quotes directly preceding these words. If this

[250] See above pp. 99, 102, 105, 109.
[251] Ibn Ḥanbal, *Musnad*, 2:114.
[252] See above p. 103.
[253] *Sunan*, 3:20,2 and 3.

were taken literally it would mean that the text of ʿAbd Allāh was originally identical to ʿUbayd Allāh's and that other transmitters later expanded the text to the version in the *Musnad* of Ibn Ḥanbal. But a number of reasons make this development less likely. The phrase "*mithla ḥadīth ʿUbayd Allāh*" may, but need not refer to a *word-for-word* correspondence of the texts. Here it can only denote similarity, since the text of ʿUbayd Allāh (as given by ʿAbd al-Razzāq) is in any case a hybrid containing elements of Ibn Abī Laylā's version. Therefore, ʿAbd al-Razzāq's remark about the tradition of ʿAbd Allāh tells us nothing about the original wording of the text.

The printed version of Dārimī's (d. 255/869) *Sunan* also has a version of the *zakāt al-fiṭr ḥadīth* which allegedly goes back to ʿAbd Allāh.[254] This *ḥadīth* collection is not considered "canonical", but originated in the same period as the *Ṣaḥīḥān* of Bukhārī and Muslim. In any case, Dārimī transmits his version of the *zakāt al-fiṭr ḥadīth* from ʿAbd Allāh with the *isnād* Muḥammad ibn Yūsuf [ibn Wāqid al-Ḍabbī][255] – Sufyān [al-Thawrī]. Analysis of the text reveals, however, that this is actually an ʿUbayd Allāh-*matn* which lacks all the significant features of the ʿAbd Allāh-*matn* as transmitted in Ibn Ḥanbal's version and referred to by Abū Dāwūd. Since both names are in their written representation so similar that they are often confused even in modern editions, we may assume that this is what happened in this *isnād*. Dārimī's *ḥadīth* surely goes back to ʿUbayd Allāh and not to ʿAbd Allāh. Two arguments are in favour of this assumption: Thawrī's transmission of the *ḥadīth* is known to us from another source,[256] and here there is no reference to Thawrī having transmitted the *ḥadīth* from ʿAbd Allāh as well. Thawrī's *matn* from ʿUbayd Allāh – as we have seen – differs from all the other variants of ʿUbayd Allāh in using "*amara bi*" rather than "*faraḍa*". This same variation may be found in Dārimī's version as well. This is circumstantial evidence for the fact that the tradition in Dārimī's collection goes back to ʿUbayd Allāh. It is hard to say who may be responsible for this confusion. The possible answer includes not only Muḥammad ibn Yūsuf, but Dārimī as well, or even a later transmitter of Dārimī's collection including the editor of the printed version.[257]

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[254] Dārimī, *Sunan*, 3:27,2.
[255] On him see Dhahabī, *Tadhkira*, 1:376.
[256] The *Muṣannaf* of ʿAbd al-Razzāq, see p. 102.
[257] The text has a second significant feature: it contains an additional remark by

Some later ʿUbayd Allāh-variants found in the collections of Abū Dāwūd and Nasāʾī mention also six categories of persons instead of just four.[258] This oddity may well be due to the similarity in the names of ʿAbd Allāh and ʿUbayd Allāh and to the fact that these two were brothers. Most probably, the tradition of ʿUbayd Allāh was contaminated by the one of his brother ʿAbd Allāh in these cases. The only tradition of ʿAbd Allāh whose text has a secure foundation, then, is the one in Ibn Ḥanbal's collection. But whether the significant features of this tradition transmitted by ʿAbd Allāh ibn ʿUmar ibn Ḥafṣ are original should be questioned. The text looks more like a combination of the version of ʿUbayd Allāh with that of Ayyūb ibn Abī Tamīma or that of Mālik. Whether ʿAbd Allāh himself or Surayj, the transmitter immediately following him, were responsible for this cannot be affirmed with any certainty, since we have only this single version.

Al-Ḍaḥḥāk

In the case of strand 3 in Juynboll's Diagram 3 which depicts the transmission from al-Ḍaḥḥāk ibn ʿUthmān, we have – apart from two texts in Muslim's *Jāmiʿ* – a version in Ibn Abī Shayba's *Muṣannaf* at our disposal. The *matn* of this version was transmitted by Ḥafṣ ibn Ghiyāth. It is very short and contains the categories of alms but no categories of persons.[259] Thus, this version is similar to those of Ayyūb ibn Mūsā and Layth except that it does not use the verb "*amara*" which is characteristic of the two latter versions, and lacks their additional comment by Ibn ʿUmar. Therefore, these two texts may be safely excluded as models for al-Ḍaḥḥāk's version. Apart from this short version there is a second, longer al-Ḍaḥḥāk-tradition in Muslim's collection.[260] On the one hand it shows some similarity to the *matn* of Mālik in the phrase "*zakāt al-fiṭri min ramaḍān*". On the other hand it resembles the version of ʿAbd Allāh in that it names six categories of persons. A further similarity with the last mentioned version is the phrase "*ʿalā kulli nafsin min al-muslimīn*" (ʿAbd Allāh: "*ʿalā kulli muslim*") which

Ibn ʿUmar: "[After this] the people equalled it [the *ṣāʿ* of barley] to two *mudd* of *burr*-wheat." According to ʿAbd al-Razzāq this remark was transmitted by Thawrī who had it not from *ʿUbayd Allāh* but from Ibn Abī Laylā (see above p. 111). Obviously Muḥammad ibn Yūsuf confused the two versions of Thawrī.

[258] See above p. 104.

[259] Ibn Abī Shayba, *Muṣannaf*, 3:172.

[260] Muslim, *Jāmiʿ*, 5:5,5.

is placed before the categories of persons and alms. Mālik's *matn* has a corresponding element right at the end. Al-Ḍaḥḥāk's *matn* is unique in its use of "*rajul aw imraʾa*" instead of "*dhakar aw unthā*".

This longer version of al-Ḍaḥḥāk's *matn* looks – similar to the one of ʿAbd Allāh – like a secondary version, since it combines several elements of texts which are found in a number of different *matn*-traditions. This impression is reinforced by a comparison with the older and shorter version. It is suspicious that a second tradition of al-Ḍaḥḥāk was transmitted by the same transmitters of the above-mentioned longer version, Muḥammad ibn Rāfiʿ – Ibn Abī Fudayk, which appears to be a copy of the Mūsā ibn ʿUqba-*matn*.[261] This leads to the conclusion that only the shorter version mentioned in Ibn Abī Shayba's *Muṣannaf* really goes back to al-Ḍaḥḥāk. Juynboll thinks al-Ḍaḥḥāk's strand "is due to Muslim or his master".[262] If this were the case, Muslim would be responsible not only for the *isnād* but for the enlarged text as well. I do not consider this likely. A more probable explanation is that it was Ibn Abī Fudayk (d. 200/815–6), the transmitter immediately after al-Ḍaḥḥāk.[263]

ʿUmar ibn Nāfiʿ

If one compares it to the other textual traditions, the *matn* of Juynboll's strand 5 in Diagram 3 – the transmission of ʿUmar ibn Nāfiʿ *ʿan abīhi* – appears to be of a later date. It is only transmitted in the collections of Bukhārī, Abū Dāwūd and Nasāʾī, all having the same *isnād*, and is not to be found in the earlier collections. While most of the Nāfiʿ-traditions discussed so far differ considerably one from the other and consequently from Mālik's version as well, this *matn* is quite similar to Mālik's.[264] In fact, only the phrase "*ʿalā al-nās*" is missing. How can we explain this correspondence? It may be that both texts go back to the same source. But this is true of most of the other versions, yet the similarity is not so great. Another possibility is that Mālik's *matn* served as model for ʿUmar's version. It is also remarkable that ʿUmar's

[261] Ibidem, 5:6,2.
[262] Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 235. His source Mizzī, *Tuḥfa*, 6:7699 refers to the *matn* which looks like a copy of the ʿUqba-text. The longer version which resembles the *matn* of Mālik more closely is in Mizzī, *Tuḥfa*, 6:7700.
[263] On him see Dhahabī, *Tadhkira*, 1:345; Ibn Ḥajar, *Tahdhīb*, 9:61.
[264] Abū Dāwūd, *Sunan*, 3:20,2 refers to this fact.

matn – like ʿAbd Allāh's version and the long version of al-Ḍaḥḥāk – extends the categories of persons to six with the addition of the phrase "a minor or an adult".

Finally there is also a slightly shortened version of the Mūsā ibn ʿUqba-*matn* attached to this *matn*. As shown above, this attached phrase exists within the "canonical" collections as an independent tradition traced back to al-Ḍaḥḥāk. All of this points to an attempt to construct the text of ʿUmar ibn Nāfiʿ as a single version of all Nāfiʿ-traditions which would be as complete as possible. For these three reasons (its manifestation only in later sources, its almost word-for-word correspondence to Mālik's version and the fact that it combines several textual elements from different versions) I am inclined to believe that the *matn* of ʿUmar ibn Nāfiʿ is secondary.[265] Juynboll believes that Yaḥyā ibn Muḥammad ibn al-Sakan is the most likely source for this strand.[266] But an even more likely candidate is perhaps his teacher Muḥammad ibn Jahdam whose date of death is unknown but who must have been active as a scholar at the turn of the Muslim third century or ninth century of the common era.[267]

Ibn Abī Rawwād

The last transmission of the *zakāt al-fiṭr ḥadīth* to be discussed in this study is strand 7 in Juynboll's Diagram 3 which is traced back to ʿAbd al-ʿAzīz ibn Abī Rawwād as a transmitter of Nāfiʿ. This tradition is only found in the late "canonical" collections of Abū Dāwūd and Nasāʾī and in both versions it follows the *isnād*: Ḥusayn ibn ʿAlī al-Juʿfī – Zāʾida – ʿAbd al-ʿAzīz ibn Abī Rawwād – Nāfiʿ – . . . .[268] Until now we have only been able to observe that sometimes different variants of texts which go back to Nāfiʿ have been brought together to form new and more complete *mutūn*. The tradition of Ibn Abī Rawwād now provides an example of a case in which elements which do not belong to the Nāfiʿ – Ibn ʿUmar-transmission feed into the Nāfiʿ-context. The text reads: "*kāna l-nāsu yukhrijūna ṣadaqata al-fiṭri ʿalā ʿahdi rasūli llāhi*

[265] I know very well that this is a hidden *e silentio* conclusion which may well be proved false by the material within the "post-canonical" collections or if additional early sources come to light.
[266] Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 235.
[267] On him see Ibn Ḥajar, *Tahdhīb*, 9:100.
[268] Abū Dāwūd, *Sunan*, 3:20,4; Nasāʾī, *Sunan*, 5:41.

(ṣ) *ṣāʿan min shaʿīrin aw tamrin aw sultin aw zabīb*."[269] (In the days of the Messenger of God (eulogy), the people used to bring out the alms of the breaking of the fast [being] a *ṣāʿ* of barley, dates, pale barley or raisins).[270]

This is not a real Prophetic *ḥadīth*. It only describes what *people* used to do in the days of the Prophet. Of course, the tacit approval of the Prophet is implicit here. For the most part, the wording of this *matn* does *not* go back to the Nāfiʿ – Ibn ʿUmar-tradition, but belongs to another old tradition on the question of the *fiṭr* alms deriving ultimately from the Companion Abū Saʿīd al-Khudrī. This *ḥadīth* is transmitted in several versions.[271] Characteristic for this *ḥadīth* is the saying of Abū Saʿīd: "In the days of the Messenger of God we used to bring out the alms of the breaking of the fast which was a *ṣāʿ* of barley, a *ṣāʿ* of dates, a *ṣāʿ* of cheese or a *ṣāʿ* of raisins." Some of the numerous variants of this tradition mention, apart from these four types of food, additional ones, amongst them *sult*.[272]

The tradition of Ibn Abī Rawwād is an obvious case of either forgery or error. The wording does not belong to the circle of the Nāfiʿ – Ibn ʿUmar-traditions. In Abū Dāwūd's collection the above quoted text is followed by a comment of Ibn ʿUmar: "When ʿUmar was [caliph] and wheat (*ḥinṭa*) increased, ʿUmar replaced the *ṣāʿ* of these things by half a *ṣāʿ* of wheat." This additional element recalls a similar passage in the Ayyūb-*matn*.[273] In most cases the Ayyūb-*matn* does not mention a date after which this became the custom. There is one exception. In the tradition of Sufyān ibn ʿUyayna within Ḥumaydī's collection we read: "When Muʿāwiya was [caliph]…" However, similar additions may be found in a number of versions of the tradition of Abū Saʿīd al-Khudrī. Here Abū Saʿīd says that in the reign of Muʿāwiya two *mudd* [= half a *ṣāʿ*] of another type of food – *samrā'*[274] – was permitted in place of a

[269] This is the wording according to Abū Dāwūd. The version in Nasāʾī's collection differs insignificantly.
[270] According to Lane, *Arabic-English Lexicon*, 1401, *sult* is "a species of (…) barley", probably a "pale type".
[271] It may be found in all "pre-canonical" and "canonical" *ḥadīth* collections within the chapter on the *zakāt al-fiṭr*.
[272] See for example Nasāʾī, *Sunan*, 5:39 and 41. However, the species *sult* may also be found in the tradition of Ibn ʿAbbās, see ʿAbd al-Razzāq, *Muṣannaf*, 3:5767; Nasāʾī, *Sunan*, 5:36,2.
[273] See above pp. 106–107.
[274] Meant here is *ḥinṭa samrā'*, a yellowish-brown wheat (cf. Lane, *Arabic-English Lexicon*, 1426). This at least corresponds in colour to *sult* (pale barley).

ṣāʿ of the type of food named.[275] Again, the additional element in the Ibn Abī Rawwād-tradition seems to be a fusion of the traditions of Abū Saʿīd al-Khudrī and Ibn ʿUmar. The fact that ʿUmar is mentioned instead of Muʿāwiya shows this text to be a very unreliable tradition. It definitely does not go back to Nāfiʿ. Juynboll believes this forgery is "out of the hat of Abū Dāwūd".[276] My own view is that such an obvious forgery or mistake cannot be attributed to the collectors of the mid-third/ninth century. They and their pupils knew the two textual traditions too well. This text possibly goes back to Ibn Abī Rawwād himself.[277]

The Results of the Textual Analysis of the Transmission Process

For the sake of clarity we will gather the results of our several investigations of the different textual traditions of the *zakāt al-fiṭr ḥadīth*, that is, the alms incumbent at the time of fast–breaking. These are allegedly transmitted by Nāfiʿ from Ibn ʿUmar and are contained in both the "pre-canonical" and "canonical" collections. Their chains of transmission go back to eleven different immediate transmitters of Nāfiʿ. The analysis of the texts ascribed to these transmitters and comparison with the texts of parallel transmitters has demonstrated that the texts of eight out of these eleven most probably go back to the persons to whom they are ascribed. These eight transmitters are: Mālik ibn Anas, Mūsā ibn ʿUqba, ʿUbayd Allāh ibn ʿUmar, Ayyūb al-Sakhtiyānī, Layth ibn Saʿd, Ayyūb ibn Mūsā, Ibn Abī Laylā and al-Ḍaḥḥāk (in his short version). In the case of Ibn Abī Rawwād, it is also possible that the text is his. But in the case of ʿAbd Allāh ibn ʿUmar ibn Ḥafṣ and ʿUmar ibn Nāfiʿ it seems rather improbable that the texts ascribed to them really go back to them.

The texts of the respective transmitters vary considerably. In contrast, all variants of the traditions which go back to one particular transmitter are very similar to each other and share characteristic features. The immediate transmitters of Nāfiʿ who are linked with the collections by several *isnād* strands should – due to their individual textual tradition – be regarded as genuine common links. That

[275] See Muslim, *Jāmiʿ*, 5:5,7 and 8.
[276] Juynboll, "Nāfiʿ, the *Mawlā* of Ibn ʿUmar," 235. His conclusion only refers to the *isnād*.
[277] On him see Ibn Ḥajar, *Tahdhīb*, 6:338–339.

means: they transmitted the texts ascribed to them. This is true, even if their *isnād* bundles consist only of single strands or spiders. However, this conclusion does not imply a judgement on the historical authenticity of their relationship to Nāfiʿ. The latter is a question we will now address.

Analysis of the texts transmitted from Nāfiʿ by different personalities shows that, although they differ significantly one from another, they show a remarkable degree of similarity with respect to content. The cases of similarity on this score are numerous. The version which differs most from all the others is the Ibn ʿUqba-*matn*. He only deals with the question of *when* the alms of the breaking of the fast should be paid, an issue that is not addressed at all in the other texts. This *matn* is actually a thematically distinct *ḥadīth* which can be left out of further discussion. We shall also leave out the *matn* of Ibn Abī Rawwād which certainly does not go back to Nāfiʿ.

To start with, let us focus specifically on the texts of the other immediate transmitters of Nāfiʿ whom we know to be genuine: Mālik, ʿUbayd Allāh, Ayyūb ibn Abī Tamīma, Layth, Ayyūb ibn Mūsā, Ibn Abī Laylā and al-Ḍaḥḥāk. The *mutūn* of Ayyūb ibn Mūsā, Layth and al-Ḍaḥḥāk only deal with the question of *what* sort of alms are acceptable. ʿUbayd Allāh's *matn* mentions apart from the types of alms four categories of *persons* who are liable to pay the alms. In the *matn* of Ayyūb ibn Abī Tamīma two categories of this group of persons replace two others in ʿUbayd Allāh's. Mālik's version mentions the same group of persons as Ayyūb, but he limits it to Muslims, while Ibn Abī Laylā's version has the same group as ʿUbayd Allāh, but again limited to Muslims.

Apart from the partially identical content we sometimes also detected identical wording. Most of the transmitters use "*faraḍa (bi-)*" with different grammatical objects, mostly "*zakāt al-fiṭr*". Two or three, however, use "*amara*". Most of the bundles of texts start with "*rasūl allāh*" as the subject of the sentence; only occasionally do some have as their subject the synonymous expression, "*al-nabī*".[278] All seven textual traditions use the same words to describe the types of food: "a *ṣāʿ* of dates and a *ṣāʿ* of barley." Only four of them mention categories of persons, but there are categories on which they all agree: "free men or slaves"

[278] The two are Ibn Abī Laylā and Ayyūb ibn Mūsā. The third would be Layth if his tradition really went back to Nāfiʿ and not to Ayyūb ibn Mūsā. We could not verify this with certainty.

(Mālik, ʿUbayd Allāh, Ayyūb, Ibn Abī Laylā); two out of these four have another two categories in common: “male or female” (Mālik, Ayyūb) and “minor or adult” (ʿUbayd Allāh, Ibn Abī Laylā). Furthermore, two out of the four limit these groups of people to Muslims and three out of them introduce their categories of persons with the words “*ʿalā kull*” (Mālik, ʿUbayd Allāh, Ibn Abī Laylā).

Since we have made clear that these texts cannot be interdependent and since it is very unlikely that they were modelled on the Mālik-*matn*, the most probable explanation for the identical features of several textual traditions is that they derive from a common source, namely, Nāfiʿ himself. Whatever the transmitters hand down over and above these common features should be regarded as peculiar to the individual transmitters. This might inspire one to reconstruct the original text of Nāfiʿ’s Prophetic tradition out of these similarities. Such a reconstruction would read as follows: *[anna/inna] rasūla llāhi (ṣ) faraḍa bi-zakāti l-fiṭri ṣāʿ(an) min tamrin aw ṣāʿ(an) min shaʿīrin ʿalā kulli ḥurrin aw ʿabd.* (The Messenger of God [eulogy] imposed the alms of the breaking of the fast, [being] a *ṣāʿ* of dates or a *ṣāʿ* of barley upon every free man and slave).

One may justifiably ask whether *dhakar aw unthā, ṣaghīr aw kabīr* (male or female, minor or adult) should be considered parts of the original wording of Nāfiʿ. This is a matter we cannot determine with certainty, since for each of the two phrases there are two out of four groups of texts which differ from the others. Another problem is what to do with “*amara*” alongside “*faraḍa*”. This word is used by two if not three of the seven versions. These difficulties show that a reconstruction of *one* original wording is impossible.

There would be nothing wrong in such a reconstruction of the “original source”, if we were dealing with textual traditions transmitted only by manuscripts. In such cases the method of reconstruction has proved worthwhile. Still, the question remains whether it can lead to equally clear conclusions in the context of the specific method of transfer used at the beginning of the second A.H. or eighth C.E. century which combines both written and oral transmission in a seminar-like setting. In the case of a tradition transferred entirely from one manuscript to another one has to contend with copying errors – apart from capricious interference with the text in an attempt to “improve” it. Since the Islamic transmission process was for the most part written as well as oral, such errors and improvements are likely. But the form of Islamic transmission practised in the second/eighth century leaves

the presence of the peculiar features proper to transmitters in several *mutūn* open to many other interpretations. For instance, these transmitters may not have passed on the wording of the text received from their source Nāfiʿ word-for-word. This may be because they did not write it down immediately or because they had to quote from memory. They may have felt justified in using synonyms or expanding the text. Finally, they may have reduced the text to a single issue in order to answer a specific question. All this could explain the variations amongst the several bundles of text.

Our knowledge of the educational system of the period might lead us to surmise, on the other hand, that the teacher reported the text at different times in different words. This may have happened because the teacher considered the wording of the text less important than its content. Another probable explanation would be the possibility that he memorised everything and lectured only from his (sometimes failing) memory, or that he did not have his written notes to hand or did not want to use them at that time.

Keeping this in mind, therefore, it is at most possible – indeed, it may even be appropriate – to reconstruct *several* original versions. However, if just *two* transmitters agree on a detail, it should be handled with caution. There is always the possibility that both independently thought of a textual extension or the use of a specific word. This is particularly relevant in the case of the attribute "*muslim*" and probably also in cases of other variations which only appear in two variants of our text. Whatever the case may be, it is clear that the text which we have reconstructed as the "smallest common denominator" goes back to Nāfiʿ, even if it is not *the* original text of Nāfiʿ which probably never existed.

Our investigation in Nāfiʿ's *zakāt al-fiṭr ḥadīth* was restricted for practical reasons to those traditions currently accessible in the "pre-canonical" collections and within the "Six Books". This limitation is legitimised by the fact that I did not attempt to do an exhaustive study of the aforementioned *ḥadīth* but rather tried to demonstrate a method of textual and *isnād* analysis which allows to reconstruct the transmission process of a tradition. Therefore, our conclusions should be regarded as provisional. To obtain a definitive picture of the emergence and development of the several variants of this *ḥadīth* one would have to conduct a systematic analysis of the corresponding traditions within the "post-canonical" collections as well. This time-consuming effort is usually neglected with the excuse that the

later collections contain nothing new but merely reproduce what is known from the "pre-canonical" and "canonical" collections.[279] Even if this is often the case one cannot generalise. It often happens that the "post-canonical" collections are found to contain traditions which go back to lost or not yet discovered "pre-canonical" collections and for some reason have not been included in the "*kutub al-sitta*". Therefore, the possibility cannot be denied that some variants of our *ḥadīth* will be found in the later collections which may lead to a revised judgement on those traditions for which there is too little text in the early compilations to make a reasonable comparison. When investigating a single *ḥadīth* or a complex of traditions, therefore, the aim must be to include as complete as possible a corpus of all available variants of a text and its *asānīd*.

In the course of our inquiry I have sometimes referred to *aḥādīth* on the alms of the breaking of the fast which are not traced back to Ibn ʿUmar but to other Companions of the Prophet. I did not compare these traditions – which mostly go back to Abū Saʿīd al-Khudrī, Abū Hurayra and Ibn ʿAbbās – systematically with the tradition of Ibn ʿUmar. Such a comparison could well lead to new insights into particular aspects of the transmission process within the Ibn ʿUmar-*ḥadīth*. But these traditions can only be incorporated into our study after *their* process of transmission has been thoroughly analysed. Another source not used in the analysis of the *zakāt al-fiṭr ḥadīth* are the traditions on the opinions and the legal practice of Ibn ʿUmar, his contemporaries and the early legal scholars of the *tābiʿūn*-generation that relate to the *zakāt al-fiṭr*. These *aḥādīth* may well help to verify our conclusions and throw further light on the transmission history. The texts of these traditions may be found in "pre-canonical" collections such as the *Muṣannaf* of ʿAbd al-Razzāq and that of Ibn Abī Shayba or in the *Ṭabaqāt* of Ibn Saʿd, and also in later works.

The inclusion of all three kinds of traditions in our investigation of the Nāfiʿ – Ibn ʿUmar-*ḥadīth* on the *zakāt al-fiṭr* could well call my conclusions on the transmission process of particular texts into question. But the general judgement that the *ḥadīth* in its essential features really does go back to Nāfiʿ and that Nāfiʿ is no seeming common link, as claimed by Juynboll, will – I am quite convinced – remain intact.

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[279] I do not exclude myself from this criticism.

V. Summary and Conclusions

The point of departure for our investigation has been the hypothesis that the main conclusions of Juynboll's study on Nāfiʿ are not tenable. One of his conclusions claimed that all the Prophetic *aḥādīth* with the *isnād* Nāfiʿ – Ibn ʿUmar found in the "canonical" collections – which are highly esteemed amongst Muslims – do not go back to Nāfiʿ but rather to Mālik ibn Anas. Using the same example as Juynboll, namely the *ḥadīth* on the alms of the breaking of the fast, we were able to show, that his conclusion is wrong. There is no doubt that this *ḥadīth* goes back to Nāfiʿ and was not invented by Mālik or brought by him into circulation first. However, the original wording that Nāfiʿ gave to this tradition can be only partially reconstructed.

Furthermore, Juynboll believes that the Nāfiʿ – Ibn ʿUmar-*aḥādīth* which were allegedly transmitted by other Nāfiʿ-pupils are without exception forgeries, invented by the authors of the "canonical" collections or their teachers. But our *isnād-cum-matn* analysis of the *zakāt al-fiṭr ḥadīth* succeeded in showing that the majority of the versions of this *ḥadīth* do indeed go back to the pupils of Nāfiʿ mentioned in the respective *asānīd*. The claim that these versions were constructed and formulated after the model of Mālik's *matn* has proved untenable.

Juynboll's conclusions in his article on Nāfiʿ, then, are generalisations. They are not limited to the analysed example, the *zakāt al-fiṭr ḥadīth*, but are judgements on all the Nāfiʿ – Ibn ʿUmar-*aḥādīth*. If we were able to prove Juynboll's conclusion wrong in at least one case, it is also possible to refute his general statements. Still, the question remains whether or not we are dealing with a single case which may be an exception. Are Juynboll's conclusions tenable if one rephrases them and assumes that although they are not true for all the Nāfiʿ – Ibn ʿUmar-*aḥādīth*, they may still be valid in the majority of cases? To exclude this possibility altogether is to commit the same error as Juynboll, namely, to extrapolate general conclusions from one or a small number of cases. In this limited sense, Juynboll's conclusions have not been negated by our investigation. Yet there are some indications that they are at least doubtful:

1) According to Juynboll's methodological premise for the interpretation of *isnād* bundles only the traditions which are intertwined in a network (or which run through partial common links) can be accepted as historically credible. The single strands and spiders are considered – at least potentially – as fictitious *asānīd* that should be excluded from

any enquiry into the origin of a tradition.[280] This is methodologically unjustifiable. Juynboll's hypothesis that the historical credibility of a bundle of traditions increases the more it is integrated in a network is indeed justified. But one cannot move from there to conclude that all strands which are not interwined in a network should *a priori* be deemed forgeries until the opposite is proven.[281] This point of view would condemn the majority of sources for early Islamic history as inauthentic and put them beyond the pale for historians studying the period.

2) Juynboll's conclusions on the Nāfiʿ – Ibn ʿUmar-tradition are based on an analysis of *asānīd* which is mostly limited to the conditions within the "canonical" *ḥadīth* collections. This represents only part of the sources and provides an inadequate basis for definitive statements, particularly those of a generalising nature. If results are grounded on this basis alone, they should at least be tested and corrected against the material in the "pre-canonical" and, if possible, in the "post-canonical" collections as well.

3) The pure *isnād* analysis which Juynboll has applied in his article on Nāfiʿ falls far short of exploiting all the possibilities offered by investigation of a textual tradition. Important findings on the transmission process of a tradition are to be extracted not only from the *asānīd* but from the comparison of textual variations and their assignment to particular strands as well. This method cannot do without *isnād* analysis, indeed this is a prerequisite.[282] But only the combination of an analysis of the *asānīd* and the relevant texts is capable of closing the many gaps in our knowledge and resolving the uncertainties which still remain even after analysis of the *asānīd*.

Finally, we have investigated Juynboll's theory that the alleged relationship of the pupil Mālik to his teacher Nāfiʿ found in the Muslim biographical literature was not historical and that it is even doubtful

[280] This is a type of *e silentio* conclusion. The fact that one strand consists of several single transmitters (i.e., that other strands which include these transmitters are simply unknown) leads to the conclusion that there *are* no other strands, and this further leads to the conclusion that single strands should be regarded as dives or later forgeries.

[281] The reasons for the fact that some strands of traditions are more integrated into a network of *isnād* bundles than others have to be investigated more closely. Not the existence of single strands needs to be explained in the first place, but the fact that there are intertwined networks of transmissions (see above pp. 55–60).

[282] I cannot stress enough the huge amount of benefit that I have gained from Juynboll's preliminary work.

whether Nāfiʿ was a historical figure at all. Reading Juynboll's articles on Nāfiʿ, one gains the impression that his doubts as to Nāfiʿ's historical existence are nourished by his conviction that Nāfiʿ is not a true but only a seeming common link within the *isnād* bundles. There is nothing wrong with this approach. How one arrives at a hypothesis is less important than one's method of checking and examining it. But Juynboll uses the biographical sources exclusively to verify his hypothesis. He passes over all information which might contradict it and interprets all the information he does use in one direction only. Certainly, he does not sufficiently question whether other interpretations might also be possible.

Juynboll's main arguments against the historical existence of Nāfiʿ are the paucity of information on his life; the contradictory character of the little information we have; the lack of a biography in the early sources and the difference in age between Nāfiʿ and Mālik who is responsible for the biographical information on Nāfiʿ. Our investigation of these arguments has shown that the first two objections are valid not only in the case of Nāfiʿ but in that of many other personalities of the first and second Islamic centuries as well whose historical existence is generally accepted. We even managed to find explanations for these circumstances in Nāfiʿ's biography. We were further able to refute the e *silentio* argument which inferred the probable non-existence of Nāfiʿ from the lack of a biographical entry on him. The phenomenon can be attributed to a gap in the source which in the meantime has been closed. Juynboll's arguments directed against the historical authenticity of Mālik's claim to be a pupil of Nāfiʿ turned out to be inconclusive and insufficiently supported by the sources.

CHAPTER THREE

THE PROPHET AND THE DEBTORS. A *ḤADĪTH* ANALYSIS UNDER SCRUTINY

Harald Motzki

I. Sale of Children and Debt-Servitude. Studies on the Early Period of the Islamic Law

"A freeborn person is not a slave!" With this succinct statement the Meccan scholar-jurist, ʿAṭāʾ ibn Abī Rabāḥ (d. 115/733–4 or 114/732–3) summarised a principle that was later accepted by all Islamic legal schools: A freeborn person living under the jurisdiction of Islamic law, be it man or woman, adult or child, Muslim or non-Muslim, could not lose his free status in the sphere of Islamic law and become a slave. This principle affected several aspects of the law, such as the laws on debts, acquisitions, foundlings, the family, and criminal law. Freeborn persons could not be enslaved because of debts, nor could they be sold into or punished by slavery. Foundlings were considered to be free unless they were proven to be slaves, and they could not be enslaved. Voluntary entry into slavery was forbidden as well.

This principle of classical Islamic jurisprudence differs in its clarity and radicalism from the pre-Islamic legal systems of the Near East and the Mediterranean. The ancient Near Eastern, Jewish, Greco-Egyptian, Roman, provincial Roman, Christian, Sassanian and ancient Arab laws approved of various forms of loss and deprivation of freedom. Even though all these laws tended to evolve from severe to milder forms of deprivation of freedom and in some cases were even abolished altogether, this tendency did not triumph in pre-Islamic times. Islamic jurisprudence set a standard with its freedom principle that was achieved only much later in other legal systems.

In western Islamic studies not much thought has so far been given to the causes of this obvious discontinuity between the Islamic and pre-Islamic legal systems. The study by Irene Schneider, *Kinderverkauf und Schuldknechtschaft. Untersuchungen zur frühen Phase des islamischen*

Rechts,[1] (Sale of Children and Debt-Servitude. Studies on the Early Period of the Islamic Law) highlights this deficit. It is intended as a contribution to the question as to the extent of the continuity or discontinuity of Islamic law in relation to pre-Islamic legal systems, an issue that has been controversial for more than a century. At the core of her analysis is the early phase of Islamic law and jurisprudence, the first one-and-a-half centuries, which is generally considered to be the pre-literary phase, since almost no first-hand written records by Muslim scholars of jurisprudence remain from that time. The beginnings of Islamic law and jurisprudence thus have to be reconstructed from *later* sources. The possibilities and methods of such a reconstruction are controversial. Schneider thus treads on thin ice in her book in two ways, firstly, by relying on later sources and, secondly, by using controversial methods of reconstruction. The volatile nature of both of these topics renders a more in-depth examination of her study desirable.

To begin with, a short summary: The book's introduction offers an overview of the subject matter and of the Islamic source genres and sources that the records go back to. The first chapter is a compilation of statements by legal scholars of the pre-classical (c. 150–300 A.H.) and classical periods on the topic of loss of freedom. The second chapter of about 200 pages is pivotal, as it contains the source analysis of the topic "loss of freedom in Islamic law of the pre-literary phase", divided into traditions of the Prophet and traditions of the legal scholars of the first and second Islamic centuries. The third chapter compares early Islamic legal concepts to pre-Islamic varieties of loss of freedom. The conclusion summarises her findings. The appendix contains translations of the texts, an index of the names of the transmitters with short biographical commentaries, and the *isnād*-diagrams of a Prophetic tradition. A comprehensive bibliography and an index complete the book.

The most important result of the source analysis of the second chapter is that there are numerous traditions, i.e., transmitted reports, which attribute opinions or judgements regarding loss of freedom to the Prophet, the caliphs, judges and scholars of the first three Islamic centuries that contradict the consensus of later classical legal schools. According to Schneider, they originate mainly from centres of learning outside the Arabian Peninsula. Alongside these traditions are reports

[1] Stuttgart 1999, 454 p. (accepted as post-doctoral thesis by the Faculty of Arts, University of Cologne in 1996).

that are in accordance with the later consensus. In Schneider's opinion these originate mainly from the Ḥijāz. This would seem to suggest that the views that tolerate or support loss of freedom were somehow connected to the legal systems that were in effect in the areas concerned before the Arab conquest. Schneider attempts to explore this connection by comparing the views of early Islamic scholars in favour of loss of freedom to the types of loss of freedom known in the pre-Islamic legal systems. This leads to conclusions such as the following:

Debt slavery, endorsed by ʿUmar II, "has its *roots* in the legal practice of late antiquity. Roman law, [...] Roman provincial law, or rather Greco-Egyptian law, as well as most certainly Jewish and [...] Christian law may have provided the *example*" (p. 304).[2] The case of voluntary entry into slavery "shows that [...] Roman or possibly also Jewish legal *influences* were *picked up* by Muslim jurists". "It is not possible to distinguish here in detail whether the Muslim jurists oriented themselves by the Greek-Hellenistic *paramoné* or by the Roman *nexum*" (p. 315). "In this one case it is possible that Roman legal sources were present. Since these sources are not cited by the Muslim jurists, it could have been a matter of questions posed during classes by persons trained in Roman law." "The jurists in this case probably used Roman law as *raw material*, and transformed it to suit their own purposes" (pp. 322–323). "The sale of wives is not permitted by any of the pre-Islamic laws. The Muslim jurists, who also forbid this, are thus in this case part of a legal tradition" (p. 333) "[The text] KU 10 shows [...] an obvious *similarity* to Constantine's rule of law from the fourth century A.D. [...]. This could be seen as a *continuation* of Roman legal practice. It would mean that Roman law was known in Iraq. Whether this was by way of Christian or of Jewish law or any other way cannot be determined" (p. 338). According to Schneider it is not only the several concepts supporting a loss of freedom that are rooted in ancient thought, but possibly also the concept opposing a loss of freedom, which were later asserted in Islamic law. The source for this concept may be "Stoic natural law": "It is [...] possible, that the Stoic thinking on general freedom reached Islamic jurisprudence via late Roman legal works, [...] or rather via Christian theology" (p. 30). The author wants all of this to be understood not as an "adoption" of pre-Islamic laws, but rather as *further developments* (p. 350).[3]

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[2] All the page numbers inserted into the text refer to Schneider's book.
[3] Emphasis in the quotations is added by H.M.

If one measures these results against the current level of research on the question of continuity between Islamic and pre-Islamic legal systems, hardly any progress is discernible, aside from the material development of a thus far neglected legal area. As in earlier studies, the results of the analysis confine themselves to point out pre-Islamic parallels, which are claimed to *possibly* have been the example, the root, the raw material, or something similar. The manner in which this stimulating influence took place is likewise only *speculated* upon. Alternatives that could explain the parallels just as well or even better are only rarely considered in the analysis. I wonder whether different research questions might not lead to more concrete results.

One may object that some of the results of the source analysis, for example that it was exclusively scholars from centres outside of the Arabian Peninsula who approved of or tolerated loss of freedom, at least support the author's thesis in a general way. Such an objection would carry weight if the legal opinions were indeed as clearly distributed across the regions as Schneider claims, and if the weight of evidence allowed for such a generalisation. This, however, is doubtful, since the source analysis of the book is methodologically unconvincing, and I cannot escape the impression that the evidence from the sources is pushed in the direction of a theory which has been in fashion again since Patricia Crone's *Roman, Provincial and Islamic Law*.[4]

Such serious objections demand proof. Addressing the source analysis in more depth is therefore unavoidable. I have read the manuscript of an earlier version of the book and have offered the author numerous comments and ideas. In her book Schneider has partly adopted them, partly she has used my suggestions to clarify her arguments or to disarm my counterarguments when she disagreed with them. In this sense our exchange of ideas proved to be fruitful from a scholarly perspective. A number of points, however, have remained controversial, and we could leave it at that. Nevertheless, in my opinion it is necessary for the sake of scholarly progress to continue the discussion in this regard and to offer our colleagues the opportunity to participate. Without criticism there is no progress in scholarship.

[4] Subtitle: *The origins of the Islamic patronate*, Cambridge 1987. For a detailed, critical discussion of this theory see W.B. Hallaq, "The Use and Abuse of Evidence: The Question of Provincial and Roman Influence on Early Islamic Law," and Ulrike Mitter, *Das frühislamische Patronat. Eine Studie zu den Anfängen des islamischen Rechts*.

The Methods of Ḥadīth *Analysis*

In a separate chapter, Schneider explains some of the methods that she uses to analyse pre-literary transmissions, and some of her premises (pp. 62–74). First of all, "fundamental doubt regarding especially the Prophet's *aḥādīth*, and also the traditions of the Companions of the Prophet, is justified", meaning they should be considered to have been fabricated. This, however, does not necessarily exclude the possibility that "there are authentic Prophetic *aḥādīth*, or Companions' traditions among the multitude of traditions" (p. 65). Schneider adopts the sceptical position of Ignaz Goldziher, Joseph Schacht, and many others, but does not want to go as far as Schacht, who viewed the traditions as having been fabricated across the board as a result of his theory on the development of such traditions.[5] Instead, she tries "to date" each individual tradition "and to find clues for its authenticity or lack thereof" (p. 65). This step is admirable.

Schacht's fundamental doubt regarding the authenticity of Muslim traditions also included those traditions that go back to the generation of Successors (*tābiʿūn*). Schneider rejects this and explains that she is proceeding from the premise that the Successor traditions are most likely to be authentic "if there are no other indications" to the contrary (p. 66). She thus reverses the burden of proof. This is a stunning change of position. Why must all of the Companions' traditions always be fabrications, while those of the following generation, whose life spans in many cases partly coincided with those of the previous generation, must, in principle, be authentic? Schneider offers two explanations for her change of premises:

1) Schacht's premises are based on an analysis mainly of legal *theory*, not of material law. He only *transferred* his ideas *onto* substantive law (pp. 63, 65). It should be said here that Schacht himself would certainly have viewed this differently. One look at Parts II and III of his *Origins* shows that he was not sparing with examples from substantive law. Even if Schneider was right, this argument would not justify this radical change in premise, since the same argument should then be valid for the Companions' and the Prophet's traditions as well. The imputation that Schacht did not analyse certain types of traditions carefully enough is not a reason to indiscriminately consider them to be either authentic or fabricated.

[5] J. Schacht, *The Origins of Muhammadan Jurisprudence*, 149.

2) According to Schneider, the discussion regarding loss of freedom (an issue that belongs to substantive law) took place, in pre-literary times and was completed by the time of the development of the legal literature. This meant that a consensus developed "in the second half of the second century" that rejected loss of freedom. Forgeries of traditions that *support* loss of freedom are inconceivable *after* this time (pp. 65–66). Is this a plausible argument to consider traditions that date back to the Successor generation (prime c. 75–125 A.H.), and that restate their legal opinions, as fundamentally authentic? Why should a scholar who lived around 125/740 to 175/791–2 not have attributed his own legal views regarding loss of freedom to the previous generation of well-known jurists, as Schacht presumed?[6] It is not plausible to argue, on the one hand, that Schacht's presumption is only "theoretical" regarding the Successor generation and should not influence the assessment of the traditions that lead back to this generation, on the other hand, that Schacht's presumption is well applicable to the Companions' generation.

Schneider's argument is based on a questionable premise. Schneider presumes that the discussion regarding loss of freedom was concluded by the time of the development of the legal literature, and that a consensus was reached at the latest by the second half of the second/eighth century. By "consensus" she means "the negative attitude of the majority of pre-classical jurists", who were estimated to have lived around 150–300 A.H. She mentions Mālik, Abū Ḥanīfa and Shāfiʿī (p. 56). At the same time she explains that "possibly Ibn Ḥanbal, but surely also Dāwūd al-Ẓāhirī, as well as Ibn Rāhwayh", who also belong to this category, were of the opposite opinion, and that Shāfiʿī is also mentioned in the literature (ibid.). Only in passing are we informed that the Baṣran scholar Sawwār ibn ʿAbd Allāh al-Qāḍī[7] did not follow the consensus. The Baṣran ʿUbayd Allāh ibn al-Ḥasan al-ʿAnbarī (d. 168/784–5) is not mentioned by the author at all in this context.[8] Even if one assumes that by "the majority of jurists" Schneider means not

[6] Schacht considered, for example, most of the traditions in which Mālik ibn Anas (d. 179/795–6) refers to Zuhrī (d. 124/741–2) as fabricated. See H. Motzki, "Der *Fiqh* des -Zuhrī: die Quellenproblematik," 1; English edition: "The Jurisprudence of Ibn Shihāb al-Zuhrī. A Source-critical Study," 1 (chapter 1 of this volume).

[7] According to Schneider, he died in 245/859–60. Possibly the reference is to his grandfather by the same name, who died in 156/773. See Ibn Ḥibbān, *Thiqāt*, 6:423 and Ibn Ḥajar, *Tahdhīb*, 4:269.

[8] He is not mentioned until the discussion on Ṭūsī on p. 265.

only Mālik, Abū Ḥanīfa and Shāfiʿī, but also their student generations, it is out of the question that in view of the known opponents (and presumably their students) there was any consensus in the second half of the second century or among the "pre-classical scholars".[9]

The author's biased interpretation of the evidence from the sources is unmistakable in this context. Ibn Ḥanbal is named, along with his teacher Ibn Rāhwayh, in various sources as a supporter of the working off of debts, and is not named by Ḥanbalites as a protagonist of the opposing view (pp. 42–43).[10] Furthermore, it is striking that in particular scholars who are strongly oriented towards transmitting traditions (*aḥādīth*, *āthār*, *akhbār*) are known as supporters of types of loss of freedom. Nevertheless, Schneider still views Ibn Ḥanbal only as a "possible" protagonist of the working off of debt, since the teachings of the Ḥanbalite school follow the later consensus of other legal schools.

In the case of Shāfiʿī the author's tendency to ignore pieces of evidence becomes even more apparent. Shāfiʿī's students transmitted in *Kitāb al-Umm* that he, like Mālik, was *opposed* to the working-off of debt by force. Ibn Ḥazm and Qāḍī ʿIyāḍ, however, convey that Shāfiʿī also expressed support for the sale of an indebted free person. This is obviously a contradiction. In my opinion this contradiction can easily be explained as a change of mind by Shāfiʿī, and there are concrete indications for this: 1) It is generally known that Shāfiʿī's opinions underwent fundamental changes throughout his life. His earlier teachings, the contents of which are little known, are different from his later ones, which were preserved by his Egyptian students in *Kitāb al-Umm* and the *Mukhtaṣar* by Muzanī. 2) One of the versions of the Prophet's *ḥadīth* about the sale of the fraudulent debtor Surraq was spread by Shāfiʿī's Meccan teacher, Muslim ibn Khālid, and it is very unlikely that Shāfiʿī did not know this *ḥadīth*. His later education by Mālik and others, as well as his gradual development as a protagonist of an authentic *sunna* of the Prophet as a second source alongside the Qurʾān, make a change of mind seem quite plausible in light of the isolation of the *ḥadīth* in question and its problematic *isnād*. Ibn Ḥazm's remarks on the report about Shāfiʿī's support for the sale of an indebted free person also point in this direction: "It is strange [to those

[9] On p. 244 the author correctly mentions that in the third/ninth century there was still vehement controversy in legal discussions on debt-slavery.

[10] Ibn Rushd, *Bidāya*, 2:293 should be added to the sources mentioned by Schneider that name Ibn Ḥanbal as a supporter of the working off of debt.

familiar with his teachings] and only clear to those of his students who have dealt with *aḥādīth* and *āthār* extensively."[11] How else is this remark to be understood if not as a reference to the Meccan tradition about Surraq and his sale?

Schneider, in contrast, tries to explain the report about Shāfiʿī's unusual opinion as a fabrication. She applies all sorts of *e silentio* arguments, i.e., arguments that are based on the silence of the sources, and assumes that this report on Shāfiʿī is based on a polemical allegation by one of Mālik's followers against Shāfiʿī from the time between his death and the editing of *Kitāb al-Umm* (pp. 40–42). But what sense was there in alleging something about Shāfiʿī that was completely made up, and that was easily refuted by his students? Even if this were a fabrication, and Schneider had been able to save Shāfiʿī as a "solid" witness for her early dating of a consensus on the issue of loss of freedom, the fact that even after Shāfiʿī's death (204/819–20) the sale of debtors was still discussed by legal scholars as a possibility would still be an argument against a consensus by the second half of the second/eighth century. Thus Schneider's argument that fabrications of traditions are not conceivable *after* the end of the second Islamic century loses its validity.

Let us return to the methods used by Schneider! It is apparent that she employs methods that were developed by others without asking herself whether these methods are appropriate outside the context for which they were designed, and whether they offer enough reliability for her own material.

1) Schneider wants to employ, among other things, the "external" and "internal formal criteria of authenticity" for the dating of traditions that I developed in my book *Die Anfänge der islamischen Jurisprudenz*,[12] for example, the categorisation in genres, the question-answer system, insertions, expressions of uncertainty, etc. (pp. 66–68). These criteria can be useful instruments for the reconstruction of sources on the basis of a *single collection*, when many texts by the same transmitter are available and can be compared with each other, so that the "trademark" or "profile" of the transmitter becomes recognisable. Such comparisons, however, cannot be applied conclusively to single traditions,

[11] Quoted on p. 39. The insert in brackets is by H.M.

[12] Subtitle: *Ihre Entwicklung in Mekka bis zur Mitte des 2./8. Jahrhunderts*, Stuttgart 1991. English edition: *The Origins of Islamic Jurisprudence: Meccan Fiqh before the Classical Schools*, Leiden 2002.

since it is possible that such criteria (for example, the question-answer system) were fabricated as well.

2) In order to date traditions with the aid of chains of transmission Schneider wants to employ Schacht's common link theory. Schacht had suggested that the phenomenon of the frequent convergence of a tradition's various transmission strands in one and the same person should be used for the dating of the tradition in order to find the author, i.e., the inventor of the tradition according to Schacht. Schneider follows this interpretation of the common link. In order to avoid Schacht's own reservations and especially Michael Cook's objections regarding the usefulness of the common link for dating, she escapes to G.H.A. Juynboll's rule that a common link is only genuine, "if this common link has at least three subordinate further cls [common links], so-called partial common links" (p. 69). However, by doing this, Schneider did not consider that *none* of the traditions that she can apply the common link method to actually fulfils Juynboll's criteria for a genuine common link. More about this later.

In this context the author criticises my suggestion that the common links from the generation of younger Successors and later generations could be interpreted as collectors, not as creators or inventors. The reason is that, in her opinion, the phenomenon of the single strand that goes back from the common link to earlier authorities cannot be explained. Schneider rejects my hypothesis that this single strand may be the result of the fact that the common link, the first collector, received the tradition in question (in any shape or form) from only *one* person, or only mentioned this one person as his informant. Schneider argues as follows: 1) "This would [...] contradict all *later* practices of transmission, according to which a tradition certified only *once* was considered to be weak" (my emphases). 2) Furthermore "this would not explain why no other independent records are available for the tradition in question that do not run through the common link, whereas the transmission disseminates in multiple lines right after the common link" (p. 70).

The first argument is unsound for two reasons: 1) The first collectors and early transmitters could not know yet what the later customs of transmission would be, and that there would be a differentiation later between "singular" (*āḥād*) traditions and traditions that were transmitted "from many through many" (*mutawātir*).[13] 2) According

[13] This problem first shows up in Shāfiʿī's *Risāla*.

to the numerous *isnād*-bundles that I know, the quoting of several sources for the same tradition (Juynboll calls this inverted common link) *above* the level of the common link, meaning the area where the transmission strands branch out, is an exception, not the rule. Only the great compilers of the third century and later, in whose works we find the traditions, often, but do not always, list several lines of transmission.

The second argument overlooks the fact that it is precisely the concept of the *first* systematic collectors and *scholastic* disseminators of transmissions that offers a plausible explanation for the single strands. This concept also offers the possibility of interpreting so-called dives (transmission-lines that 'dive' below the level of the common link) as transmission lines that were temporarily unknown and only rediscovered by later collectors. The concept of the common link as collector (instead of inventor) means that it is crucial to know from whom the common link in the *isnād* bundle received the information. When Schneider speaks of the possibility that the common link did not create the transmission out of the blue, but instead processed older material, it corresponds precisely with my own idea of a collector. It goes without saying that the material was not handed down word-for-word in oral transmission, and that information could be combined, shortened, expanded and changed, as still happened later in the transmission process. Instead of focusing on the common link for dating, my interpretation of the common link as first collector shifts the focus of dating a tradition (or rather, its content) to the person *before* the common link, that is, the person who is named as the source (informant) by the collector (= common link). As a matter of principle, the possibility cannot be ruled out that the information or parts thereof actually come from the named person. If and how this can be shown is still a largely unsolved problem. The following study is intended to demonstrate possible solutions to this problem and to test them.[14]

[14] Possible solutions are already demonstrated by Juynboll and Schoeler in their investigations into the *ḥadīth al-ifk*, and by Motzki in his studies on the *ḥadīth* of Abū Qatāda and the transmissions on the murder of Ibn Abī al-Ḥuqayq. See G.H.A. Juynboll, "Early Islamic Society as Reflected in its Use of *Isnāds*," 151–194, ibidem, 179–185; G. Schoeler, *Charakter und Authentie der muslimischen Überlieferung über das Leben Mohammeds*, 119–170; H. Motzki, "The Prophet and the Cat. On Dating Mālik's *Muwaṭṭaʾ* and Legal Traditions"; idem, "The Murder of Ibn Abī l-Ḥuqayq: on the Origin and Reliability of some *Maghāzī* Reports."

Aside from Schacht's common link theory, Schneider also adopts his rule that "traditions that go back to later scholars of for example the second century, and that are found apart from identical-sounding traditions that were passed on by the same scholars but that have a more complete *isnād*, going back to a Companion of the Prophet or the Prophet, have to be considered as preliminary stages to the latter traditions" (p. 70). According to Schneider such facts can *only* be interpreted as a later improvement of the *isnād*. Here, as well, one needs to be careful. It is known that procedures called *rafʿ* by Muslim *ḥadīth* critics, the attributing of a transmission to a higher authority, were used quite often. However, one should not deduce a general rule from this. Generalisations of this kind – seen logically these are general propositions (*All-Sätze*) – in the humanities and cultural studies are methodologically problematic anyway. Schacht's rule is applicable with reasonable certainty only to almost *identical* longer traditions (longer, in order to exclude the possibility that the identity is not a coincidence). For example, when earlier sources refer back to only a Companion of the Prophet for a tradition, but later sources refer back to the Prophet himself. Schacht was thinking of cases such as these for his rule.

Schneider transfers Schacht's rule to traditions that deal with *raʾy* (pp. 72–73). In these traditions, however, the likeness of the texts is either insignificant due to their brevity, or, these traditions are not the same word-for-word, but only in content, for example when a scholar of the Successor generation represents a certain legal opinion, and simultaneously transmits a tradition from an earlier authority that essentially expresses the same legal opinion. This is not truly a case of backward growth of the *isnād*. Is it sensible to postulate a corresponding backward growth of the text (*matn*)? Surely this cannot be a general rule. One cannot rule out the possibility that a scholar of, for example, the Successor generation or later, who transmits the conduct or an opinion of a Companion of the Prophet or of the Prophet himself, could advocate the same opinion that is expressed in the named tradition; nor can one rule out the possibility that both texts were transmitted independently of each other, or that the opinion of the scholar was later separated from the tradition that he transmitted. That this took place can be proven in certain cases.[15]

[15] See for example Motzki, *Die Anfänge der islamischen Jurisprudenz*, 114–115; *The Origins of Islamic Jurisprudence*, 125–127.

Schneider deduces a further methodological principle from Schacht's rule regarding the backward growth of the *asānīd*: "Based on Schacht's results, it should generally be presumed that complete *asānīd* originate more likely from a later date, since the *asānīd* developed from rudimentary beginnings" (p. 70). As "proof" of the usefulness of this rule she points out, first, that in the early "legal texts" like Mālik's *Muwaṭṭaʾ* and both *Muṣannaf*s of ʿAbd al-Razzāq and Ibn Abī Shayba "*complete asānīd were not yet valued*, second, that traditions by the Companions of the Prophet are a common occurrence, and third, that transmitters are missing in the *asānīd* of the *aḥādīth* of the Prophet" (pp. 70–71; my emphasis). If one continues this line of argument, it would mean that it was still possible at the time of Ibn Abī Shayba, i.e., the first quarter of the third century, to release traditions of the Prophet with an incomplete *isnād* into the world, when Mālik already knew how to transmit plenty of complete *asānīd*. This, however, would contradict Schneider's thesis that transmissions with incomplete *asānīd* are older than those with complete chains of transmission. The fact is that we can find traditions transmitted from the Prophet and the Companions with complete and defective *asānīd* side by side in the mentioned texts. It is no different in the earliest sources that can be reconstructed from them.[16] This supports the argument that from the outset, defective and complete *asānīd* existed side by side.

The argument that the *asānīd* started from "rudimentary beginnings", an argument repeatedly used in the scholarly literature, seems to me to be an insufficiently thought-out concept. Does it mean that the first *asānīd* were generally incomplete and defective? How are we supposed to understand that? When, for example, the Meccan ʿAṭāʾ (d. 115/733) transmitted something from his teacher, the Companion of the Prophet ʿAbd Allāh ibn ʿAbbās, he only had to mention him and the *isnād* was perfect. Likewise, ʿUrwa ibn al-Zubayr (d. 94/712–3) was able to tell Zuhrī (d. 124/742) a story about the Prophet that he had heard from his aunt, the Prophet's wife ʿĀʾisha (d. 58/677–8), and Zuhrī could then transmit it with a complete *isnād*. It is nonsense to presume that all old traditions had necessarily incomplete *asānīd*. On the other hand, it is clear that there were regional and individual

[16] See Motzki, *Die Anfänge der islamischen Jurisprudenz*, 215–216; *The Origins of Islamic Jurisprudence*, 240–242. The same is true for Mālik. In his case, however, the traditions of the Prophet mostly have a complete *isnād*.

differences in the use and quality of the *asānīd* from the beginning until well into the second/eighth century. The concept of rudimentary beginnings only makes sense if one relates it to the fact that most of the gaps in the defective *asānīd* concern the first century. This can be explained by the fact that the use of the *isnād* only gradually gained acceptance, and that not all the informants of the collectors were able to remember from whom they obtained each single transmission. And finally, the fact that we can find such defective *asānīd* at all in the early sources shows that the great era of the improvement of the *asānīd* and the search for variant versions with better certification only happened gradually in the second half of the second Islamic century.[17] It is methodologically unjustifiable to *generally* declare a transmission with a complete *isnād* to be younger than one with a defective *isnād*.[18]

There are cases where an opinion of a scholar of the Successor generation or of a younger scholar is transmitted that *contradicts* the traditions of earlier authorities in whose *asānīd*, however, they appear as transmitters. Faithful to her idea that Successor traditions are to be viewed as probably authentic, while those of the Companions and of the Prophet are likely to be false, Schneider concludes that those traditions that diverge from the transmitter's legal opinion are forgeries, which cannot be traced back to the transmitter but which were falsely attributed to him. This conclusion is expressed in her statement that it is hardly conceivable "that *aḥādīth* by the Prophet were transmitted, but completely ignored in favour of one's own *raʾy*" (p. 73).

The transmission of legal opinions that do not agree with those of the transmitter, however, is quite possible. The following has to be considered: 1) When did the idea that the traditions of the Prophet were superior to all others really take hold? According to Schacht not until after Shāfiʿī, who is considered to be *the* protagonist of this idea. That means that in the second/eighth century, and especially in the first fifty years, when the transmission of opinions about loss of freedom took place, we cannot expect that there was any *pressure* to orient oneself by the traditions of the Prophet. Schacht has even gone as far as claiming "that the method of interpreting traditions, practised in the ancient schools, tended to disparage and reject traditions from the Prophet".[19]

[17] Ibidem.

[18] In addition, it should be mentioned that gaps in an *isnād* can also develop from faulty transmission.

[19] Schacht, *The Origins of Muhammadan Jurisprudence*, 47.

2) Many early legal scholars were also *muḥaddithūn*, meaning collectors of traditions that relate back to earlier generations. Even though Schneider acknowledges this, she presumes that they only transmitted those traditions that reflect their own perception. There is, however, evidence that this is wrong. It can be ascertained at every turn that the great collectors from the first half of the second century A.H. transmitted traditions that contradicted their own perceptions or those of their teachers. For example, this applies to Mālik, who, in his *Muwaṭṭaʾ*, transmits traditions, including some of the Prophet's, that he does not agree with or that are not congruent with the Medinan consensus of his time.[20] This is precisely what Shāfiʿī reproached Mālik's students for,[21] and this reproach, albeit polemical, is based on facts (the latter is a postscript to the previously mentioned topic "polemic argumentation and factuality").[22]

One last methodological principle for the dating of traditions that is mentioned in Schneider's book is Schacht's rule that short, maxim-like and simple texts are older than longer, argumentative and complex texts or narratives, when the texts in question could be considered part of the early stock of transmissions due to other criteria (p. 73). In an earlier version of Schneider's study, this principle of Schacht's played an important role in the author's datings. In her book she has qualified this principle and no longer uses it as a "rule". However, the analysis of the Surraq tradition shows that she is inspired by the idea that there had to be a short text at the beginning of the development that was enriched by all kinds of motifs as time went on. Nevertheless, it can be proven that this principle is not generally valid, and that the opposite may be true as well.[23] We will see later on that this also applies to the Surraq tradition. Besides, her idea contradicts a widely held opinion in the field of Islamic studies that the early transmissions about the Prophet and the Companions stem from preachers and story-tellers (both were called *quṣṣāṣ*).[24]

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[20] Examples can be found in Motzki, "Der *Fiqh* des -Zuhrī," 34–42; "The Jurisprudence of Ibn Shihāb al-Zuhrī," 36–45; idem, "The Prophet and the Cat," 26–28.

[21] See Schacht, *The Origins of Muhammadan Jurisprudence*, 78.

[22] See above p. 132.

[23] See Motzki, "Der Fiqh des -Zuhrī," 29–42, esp. 34; "The Jurisprudence of Ibn Shihāb al-Zuhrī," 30–45; idem, "The Murder of Ibn Abī l-Ḥuqayq," passim.

[24] This opinion, however, should not be generalised. It needs further research and differentiation.

Conclusion: The methodological approaches that Schneider introduces for the analysis of traditions (*aḥādīth, āthār, akhbār*) reveal a big problem in this field of research in Islamic studies: There are no commonly accepted methods of transmission analysis. Researchers who dare enter this field have at their disposal only a few basic methodological approaches whose applicability is controversial. Researchers have to work out their own methods and test their applicability. In view of these uncertainties, and regardless of how useful another scholar's methodological principles may have been in their own studies, it is not advisable to consider them as generally safe and conclusive, raising them to the level of general methodological rules. Schneider does just this with several rules that she adopted from Schacht, Juynboll and me. In contrast, she wants "to test" other methodological principles "on particular cases" (p. 73). My critical comments on the author's methods should make one thing clear: If one needs to follow any general rule at all for the analysis of Muslim traditions at the current state of research, then it should be that for each individual case it must be checked what kind of dating method is applicable and how certain its results are.

II. Debt-Slavery in Early Islamic Jurisprudence

Schneider's Analysis of the Surraq Ḥadīth

In the course of 47 pages, the author presents the analysis and dating of a *ḥadīth* in which the Prophet plays a central role. In this tradition, which cannot be found in the canonical *ḥadīth* collections of *al-kutub al-sitta* (the six books), it is reported that the Prophet "sold" a man who had become indebted after defrauding another man. The fraudulent debtor, however, was freed by the deceived creditor before his sale had become effective, and he then used the name Surraq. Schneider has tracked down 22 references to this tradition,[25] twelve of which have *asānīd* (references to *isnād* fragments in later sources are not included). The number of references is increased to 26 by four further findings with *asānīd*, which she has overlooked. Even a brief reading

[25] The references can be found with citations, *asānīd* and translation in appendix I of the book, and are marked as P1–P22.

of the texts shows that we are dealing with a complex of variants that differ greatly in regard to length and content.

Schneider begins the reconstruction of the transmission history of this complex of variants with a detailed textual analysis of the variants, followed by an examination of the *asānīd*. The author divides the texts into individual narrative motifs, so that they can then be categorised into groups according to a single motif that clearly differentiates them, namely, the various types of debts that Surraq incurred. The aim of her text analysis and comparison of textual variants is to gain insight into the authenticity, dating and development of these variants and of the *ḥadīth* complex as a whole. This sounds promising, but the reading of the text analysis is disappointing.

The comparative analysis of textual variants of a tradition is in itself a matter that is difficult to follow for the reader. This is made ever more confusing by the author's approach of comparing the different variants to each other and noting all kinds of small digressions without any resulting clarity about the exact purpose of this exercise and what conclusions could be arrived at. She notes, for example, that in one text one of the motifs is missing, another one uses more direct speech, a third is less animated, all texts of the category show a logical weakness in the narrative (Schneider calls this a break), etc. As an example of her analysis I recommend the reading of "the category of debts of possessions" (pp. 79–83). The only comment in this section that refers to the goal of the entire presentation, which is to find criteria for dating, is at the end when she discusses the motif "the manumission of Surraq in order to please God".

It is told in the story that the Prophet handed the debtor Surraq over to his creditors so that they could sell him and thus satisfy their claims. The potential buyer, however, let it be known that he only wanted to buy Surraq in order to set him free. Regarding this motif of the story, the author poses the question of "whether such a manumission under these portents was *conceivable*, when debtors were usually sold on the market, and the Prophet was acting according to an old custom" (p. 83, my emphasis). One could respond that apparently it *was* conceivable for the narrator of the story. Schneider presumably means whether it was conceivable historically. However, even this is not unlikely. There are several cases of manumissions transmitted from the time of the Prophet, manumissions by the Prophet himself (for example, Zayd ibn Ḥāritha) and by Companions of the Prophet

(for example, Barīra's manumission by ʿĀʾisha) that are without doubt historical.[26] Furthermore, the Qurʾān recommends manumission as a spiritually rewarding act, and prescribes it as an atonement for certain sins, as the author herself mentions (p. 82). That the decision of the Prophet follows an "old custom" is merely alleged by the author. There is no mention of such a custom in the story itself. It is just as likely that the narrator presumed that the Prophet made an *ad hoc* decision in this case. This example shows that this kind of text analysis leads to speculations about the possible historicity of individual motifs of the story. On the basis of the texts themselves, however, the true value of such speculations can only rarely be assessed.

Summarising the comparison of the individual categories of text variants, Schneider concludes that they could not have had an original "long version" as their basis, but rather that the long variants were "later revisions" of a short version (pp. 91, 92). For her, this short version is the "smallest common denominator" of *all* variants, and consists of only two motifs, "debts" and "judgement by the Prophet". This short version presumably told of the debtor's indebtedness and sale in a "very generalised formulation" and "without any further elaboration of the circumstances" (p. 93). An example of such a version is P2, which laconically states: "The messenger of God sold a man who was called Surraq due to debts." (p. 363). From such a version (without naming the debtor) all other variants were allegedly developed through specification, embellishment and revision. Beneath this presentation of how the variants of the Surraq *ḥadīth* developed one can recognise without difficulty the previously mentioned rule, propagated by Schacht, that short texts are older, and long texts, especially "detailed stories", are younger than the corresponding short ones. What arguments does the author present for this conclusion?

The first argument is "that breaks often appear at the points of transition from one motif to another", meaning that the transition from one motif to another is immediate and "understanding becomes difficult due to a lack of cohesion in meaning" (pp. 89–90). With regard to the breaks, she presumes that they cannot be original but that they are, instead, the result of a growth by which new motifs became attached

[26] For the latter case see Mitter, *Das frühislamische Patronat*, 159–226; idem, "The Origin and Development of the Islamic Patronate," 124–131.

to existing ones, which were then insufficiently joined together by the transmitters. To Schneider the original story has to be, if indeed it existed at all, without breaks and completely logical.

One may ask whether a concept of narrative structures is used here as a standard that is anachronistic and foreign to these stories. They are not told by Honoré de Balzac or Gustave Flaubert, but by transmitters of the Near East of the seventh and eighth centuries A.D. Their narratives possibly followed different rules. Logical consistency may not be their goal, but rather vividness. Their manner of story-telling seems to me more comparable to that of the theatre. The motifs should be compared to scenes that are strung together. The viewer is expected to think, and establish the connections himself. This is, at least, my experience of reading early narratives. What seems to Schneider like breaks may be actually the result of the composition technique used in these narratives. It is commonly found in such traditions. A comment like "the traditions of the long versions are distinguished [...] by dialogues that are often *utterly redundant* for one's comprehension" (p. 94; italics by H.M.) shows a lack of understanding of the story-tellers' narrative techniques.

Schneider's second argument for a late dating of the long versions is that the individual motifs in the variants appear in different forms and are partially missing. Such differences are: Some passages are reproduced in the first instead of the third person; some versions say that the main character was new to Medina, others do not; the type of debt is cited in different ways. All this is supposed to point to the fact that none "of the long variants [could have] served as examples for the others" (p. 90). It is clear from their sometimes serious differences that the long texts are not directly interdependent. Nevertheless, Schneider later claims that this is the case in two long versions.[27] However, it is not plausible to conclude that all long texts must be young because of their differences.

Schneider seems to imagine the evolution of the long versions as follows: At the beginning there was a short *ḥadīth* about the Prophet ordering a man in debt to be sold. This *ḥadīth*, which someone sent forth into the world, circulated among Muslim scholars. For some it appealed to their jurists' soul and thus they spread it among their students, however, not without embellishing it, turning it into an exciting

[27] See below p. 152.

tale, giving it an historical tint and giving the debtor a name. One may call them forgers or masterminds. Since each one cobbled his own tale together, grave differences developed about, for example, the various types of debt. This is a typical Schachtian thought-pattern. This is probably how he pictured the creation of narrative traditions.

The differences, however, could have developed in an entirely different manner: not through fiction, but through a transmission process. One could imagine it like this: Z hears a story from S, and tells it from memory years or decades later to M. He then tells it, based on the notes that he took, to A and Y, one of whom takes notes, while the other copies it integrally from M. Both then tell their version to persons who write it down. Throughout this process changes in the story and differences in the versions that are available in written form at the end are unavoidable. The divergences are greatest at the beginning and taper off with the increase in written records used in the process of transmission. I will speculate further: S, the original teller or "author" of the story tells it not only to Z, but also at different times to O, P and Q. The version that S tells to Z will not be exactly the same as the one that O receives, since there are years between them. The same is the case with the versions that P and Q hear. O, P and Q then transmit their versions further, and a similar transmission process as in the case of Z takes place. The final products of these four transmission lines (Z, O, P, Q) will differ more from each other than the variants of each individual one (for example, of Z), even when all transmitters transmit the story according to their best knowledge and conscience. Aside from this, one also has to consider that mistakes can creep in due to failing memory, poor handwriting, etc. According to this working model the differences that Schneider lists are normal side-effects of the transmission process.

A third argument put forward by the author is called "inconsistencies of content". These are mostly pulled out of thin air and are, in part, not even relevant. Two examples: 1) In one version the debtor says that he went to "his" house. Schneider interprets this to mean that he owned the house, and considers it to be an inconsistency that the Prophet did not first order the house of the debtor to be confiscated and sold along with its contents, but instead sold the man himself (p. 90). Interpreting "his house" to be the debtor's property, however, is not compelling, as it could simply be referring to the house that he was staying in. This interpretation seems to be suggested by the story itself, since the debtor declares to the Prophet that he has no possessions.

2) According to Schneider, the manumission of the debtor in the category of debts of possessions occurs *after* the sale, "while the change of mind in the category of debts of textiles and in the category of debts of camels occurs before the sale" (p. 91). This "inconsistency" however is based on a misinterpretation of the texts in the category of debts of possessions, which renders the entire story senseless. It does not mean that the Prophet ordered Surraq to be sold and that the creditors asked the buyer *after* the sale what he intended to do with Surraq, since they would then be unable to free him themselves, as they would not own him anymore. It means that, as in the versions of the other categories, the Prophet orders Surraq to be sold by *the creditors themselves*, to whom the Prophet hands the debtor. While this is not clearly expressed, it is the only possible interpretation according to the context. The creditors ask the *prospective buyer* what he would like to do with Surraq, and then free him when they hear that the prospective buyer only wants to buy him in order to release him.

In general, the text analysis of the Surraq *ḥadīth* is not convincing. All three arguments are useless. Schneider's conclusion, however, contains a further crucial intellectual mistake, namely, that the smallest common denominator of the variants must be the original version. Here the author did not consider that the text analysis has not yet been able to clarify whether the short versions, which of course contain the fewest motifs, are indeed original, independent transmissions or whether they are abbreviations of long versions. The smallest common denominator therefore contains no information regarding the age of the *ḥadīth*. It is plainly wrong to conclude that all versions that contain more motifs than this minimum must be younger.

What Schneider overlooked, but what becomes apparent without any doubt in the text analysis, is that the long versions of the various categories have the same structure, despite all the divergences that show up in the details. The traditions in the categories of debts of possessions and debts of camels have seven motifs in exactly the same order, and the slightly shorter texts in the category of debts of textiles also have motifs four to seven in the same order as the others (therefore more than the smallest common denominator). How can that be explained? Even if the versions of the individual categories are not *inter*dependent due to their differences, as the author correctly concludes, there nevertheless must be something that relates them to each other. This is the only conclusion that can be drawn from an analysis that is exclusively focused on the texts for the dating of the transmis-

sions. I will later return to the crucial question about what relates the long versions to each other.

The objection that the differences regarding the motif "type of debt" are too great (possessions, camels, textiles) to presume a common root for the three categories of traditions is not well-founded. These differences can easily be explained as "errors of transmission". "Possessions" (*māl*) is merely more generalised than "camels" (*baʿr, abʿār*). *Māl* is probably more meaningfully expressed as "money". Surraq did not squander the "possessions of the people", but the money from the sale of these possessions. Thus in this version the narrator does not emphasise the wares that were the cause of the indebtedness, but only the result of their re-sale. That the "variants telling about debts of possessions" are actually about camels, even though this is not clearly expressed at the beginning, becomes apparent in a later element of the story, where it says that the Prophet arranged for Surraq to be sold in exchange for camels. The *isnād* analysis, which I will discuss later, confirms this presumption since the variants about debts of possessions and the variants about debts of camels go back to one and the same transmitter.

While the difference between debts of money and debts of camels seems to be based mainly on an inaccuracy in the transmission, the difference between camels and textiles could be considered a true error in the transmission. The text that speaks of textiles that Surraq bought but did not pay for goes back to the Egyptian scholar Ibn Lahīʿa (d. 174/790–1). In his text it says that a man sold *bazzan* to Surraq (in the editions of later sources, such as Ibn Ḥajar al-Haytamī's *Majmaʿ* and Ibn Ḥajar al-ʿAsqalānī's *Iṣāba* the word has been misspelled or misread as *burran* (wheat) or *barāʾ* (?)).[28] It would appear that *bazzan* erroneously replaced *baʿran* (camels) (which can easily occur with bad handwriting), a mistake that could have happened to Ibn Lahīʿa or his informants. The possibility that errors of transmission occurred cannot be excluded. Since the structural correspondences between the variants make a common origin seem probable, an error of transmission becomes quite plausible in this case.

In conclusion, it needs to be stated that the text analysis of the Surraq *ḥadīth* that is presented in Schneider's book has missed its goal

[28] See P3, P19 and P21 (pp. 363, 372, 373).

of delivering criteria for the dating of the texts. She suggests a relative chronology that is based on dubious premises and conclusions.

In her *isnād*-analysis the author proceeds as follows: On the basis of the oldest links found in the chains of transmitters she categorises the variants of the Surraq *ḥadīth* into two groups: Egyptian and Medinan transmissions. The Egyptian traditions are dealt with individually, the Medinan ones are separated into two categories, depending on the ends of the *asānīd*. In the discussion of the individual transmissions, she names the *asānīd* and gives the dates of the transmitters' deaths and the locations where they were active. Furthermore, she again states which text category of the previous text analysis the transmission in question belongs to and offers information on the individual transmitters, who can be found in the *rijāl*-literature, i.e., the biographical works on the transmitters. Following this are judgements regarding the quality of the *asānīd*, for example, whether they are seamless, or regionally uniform, and there are references to the existence of common links in the *isnād* variants. From these facts, Schneider draws her conclusions about the age, origin, and path of transmission of individual traditions or groups of traditions.

The confusing mass of information and the inconsistent form of presentation (sometimes the conclusions are found at the end of a discussion of a transmission, at other times they are found with individual transmitters) do not make it easy for the reader to keep track of and to check the methodological consistency of the conclusions. My impression is that the *isnād* analysis of the Surraq *ḥadīth* at hand has methodological weaknesses that are glossed over by speculations, and that the conclusions are therefore weak. To elaborate here on individual inconsistencies would render the discussion even more opaque. In order to clarify why Schneider's *isnād* analysis is not convincing, the transmission history will be reconstructed with the method of the *isnād-cum-matn* analysis. This will largely be based on the facts provided by the author, and merely supplemented with some versions that she has overlooked. Her methods and conclusions will be included in the presentation for contrast.

The Transmission History of the Surraq-Ḥadīth

The method of the *isnād-cum-matn* analysis consists of the following steps: 1) All known records of the tradition (*ḥadīth*) in question that contain an *isnād* are compiled. 2) The chains of transmitters are

listed in order to note possible common transmitters (partial common links = pcls and common links = cls) in the various generations. 3) A comparison of the texts must investigate whether the transmission history suggested by the *asānīd* is also covered by the text variants. 4) The following rule is applied to the reconstruction of the process of transmission or creation: Whenever two or more variants (of *matn* and/or *isnād*) tally against a variant that is recorded only once, then the version that has multiple references will be preferred.[29]

This method does not require general presumptions about the authenticity of the transmissions: neither the premise that individual types of traditions have to be considered fictional until proven authentic, nor the prejudice that they have to be considered authentic until proven fictional. With this approach the question is not *whether* a tradition is authentic or not, but *what part* of it can be traced back and *how far*. The aim is dating.

In order to keep the discussion of the variants of the *ḥadīth* in question short and clear, I will not discuss the *asānīd* and the appropriate texts separately from each other. Those common links that appear first in the chains of transmission (taking the *ḥadīth* collections as a starting point) will serve as the criterion for order.[30] The analysis therefore proceeds backwards from the collections where we can find the traditions; it follows the chains of transmitters. Schneider chose the opposite direction. In order to clarify the direction of the analysis, the transmission lines in my diagram of the *asānīd* that is located at the end of the study will be marked by arrows.

Zanjī

> Text: "I was in Egypt. A man said to me: 'Should I show you a Companion of the Prophet?' I answered: 'Yes, gladly!' He pointed to a man. I went to him and said: 'God have mercy upon you! Who are you?' He answered: 'I am Surraq.' I said: 'God be praised! Why, as a Companion of the Prophet, do you have to have this name?' He answered: 'The Messenger

[29] This is only a broad overview of the method; for its details, see Schoeler, *Charakter und Authentie der muslimischen Überlieferung über das Leben Mohammeds*, passim, and Motzki, *"Quo vadis Ḥadīṯ*-Forschung? Eine kritische Untersuchung von G.H.A. Juynboll: 'Nāfiʿ the *mawlā* of Ibn ʿUmar, and his Position in Muslim *Ḥadīth* Literature;'" English edition: "Whither *Ḥadīth* Studies?" (chapter 2 of this volume).

[30] Only original *asānīd* are considered, not fragments thereof referred to in later sources.

> of God called me a arch-rogue (*surraqan*), therefore I will never give up that [name].' I asked: 'Why did he call you an arch-rogue?' He narrated: 'I met a bedouin, who had two camels that he wanted to sell. I bought them from him. I said [to him]: "Come with me,[31] so that I can give you [the price]." I then went into my house, left through a rear exit that I knew of, and took care of my needs with the price of both camels. I stayed away until I thought the bedouin had left. [Then] I went out, but the bedouin was still there, grabbed me, and brought me before the Messenger of God. I told him what had happened.' The Messenger of God said: 'What caused you to do this?' I answered: 'I took care of my needs with the price for the camels, Messenger of God!' He said: 'Settle [the debt]!' I answered: 'I own nothing.' He [the Messenger of God] said [to this]: 'You are a arch-rogue (*anta surraq*)! Go, bedouin, and sell him, so that you may be recompensed!' Then people began to haggle with him over me. He [the bedouin] turned to them with the following words: 'What do you want?' They answered: 'We want to buy [i.e., redeem] him from you!'[32] He responded [to this]: 'By God! None of you need that [the manumission of a slave][33] more than I! Go [slave], I [hereby] set you free!' "[34]

Five *isnād*-variants of this tradition lead back to the Meccan scholar Muslim ibn Khālid al-Zanjī (d. 180/796–7). A further two records in Ṭabarānī's *al-Muʿjam al-kabīr*[35] should be added to the three mentioned by Schneider (P1, P5, P7).[36] Zanjī should therefore be considered a common link for the moment (see the diagram at the end of the chapter). However, if one accepts Juynboll's requirements for genuine common links, this predicate is not correctly applied to Zanjī, since, in the collections in which the records are found, all the paths of transmission to the common transmitter, Zanjī, are single strands. It is

[31] Schneider thinks she must correct the text "*inṭaliq maʿī*", and translates it as "go away" (*inṭaliq*) (p. 364 and note 12). However, *inṭaliq maʿī* (come with me) is meaningful. We have to picture the situation as follows: The sale of the camels probably occurred at the market. Surraq pretended not to have any money with him, and asked the bedouin to come with him to his house, so that he could give him the money. Once there, he left the bedouin in front of the house and disappeared through a rear exit.

[32] The text of this variant states *ibtāʿa* (to buy from), the texts transmitted by Ibn Saʿd and Ṭabarānī, however, use the more meaningful *iftadā*, or rather *fadā* (to redeem, to free).

[33] Schneider translates the pronoun as referring to God.

[34] Ṭaḥāwī, *Sharḥ*, 5:134.

[35] 7:165 (no. 6716).

[36] The transmission P5 was adopted by Naḥḥās from Aḥmad ibn Muḥammad al-Azdī (d. 321/933), not – as Schneider presumes – from the scholar Aḥmad ibn Muḥammad al-Azdī (d. 198/813–4) of Mosul. See Ṭaḥāwī, *Sharḥ*, 5:133–134 (no. 1876).

therefore inconsequential that Schneider considers Zanjī to be a partial common link, given the fact that she endorses Juynboll's requirements for common links (and these certainly are valid for partial common links as well) in her introduction to the second chapter. When examining the four appropriate texts (Ṭabarānī only offers one text with two *asānīd*), it becomes apparent that three of them (the versions by Ibn Saʿd, Ṭabarānī, and Ṭaḥāwī) are detailed narratives, although with minor differences. The differences indicate that the transmissions are not interdependent. It is therefore probable that this version goes back to Zanjī. It is typical of his text that the debts were caused by the purchase of two camels. By way of contrast, the fourth variant, P7 (by Dāraquṭnī),[37] is a very short text that merely states that the Prophet had an insolvent debtor sold. This text is a summary of the long version and the *isnād* is also shortened. It may go back to Zanjī himself, who possibly considered it useful at some point to shorten the story, or to one of the transmitters after him. Schneider considers it to be a shortening from the time after Zanjī (p. 107). The *asānīd* show that Zanjī named the Medinan scholar Zayd ibn Aslam (d. 136/753–4) as his informant for the *ḥadīth*. After him the *isnād* continues via ʿAbd al-Raḥmān ibn al-Baylamānī (d. between 86/705 and 96/714–5) to Surraq.

ʿAbd al-Ṣamad

> Text: "In Alexandria I met a man named Surraq. I asked him: 'What is up with this name?' He answered: 'The Messenger of God called me that. I came to Medina and told them [the inhabitants] that money would arrive for me. So they made deals with me (*bāyaʿūnī*) [on credit], but I wasted their money (*amwālahum*).[38] They brought [me] to the Prophet. He said: 'You are an arch-rogue!' (*surraq*) and sold me for four camels [meaning: handed me over to them with the order to sell me for four camels]. The creditors[39] said to him [the interested purchaser]:[40] 'What do you want to do with him?' He responded: 'I want to set him free.'

[37] The *isnād* that Schneider offers on p. 366 needs to be corrected; instead of Muḥammad ibn Isḥāq al-Khuzayma it should be Muḥammad ibn Isḥāq ibn Khuzayma.

[38] Meaning: The money from the proceeds of the goods bought on credit.

[39] In the text it states *ghuramāʾuhu*. This is to be emended according to the model of the other variants that have *al-ghuramāʾ*. Possibly it is a mistake of transmission or editing (instead of *ghuramāʾī*).

[40] In the other versions instead of *lahu* it states *li-lladhī shtarānī* (to him, who bought me, i.e., wanted to buy me).

> They then said: 'We cannot give up on the hereafter[41] anymore than you can!' and they set me free."[42]

A further (provisional) common link is the Baṣran scholar ʿAbd al-Ṣamad ibn ʿAbd al-Wārith (d. 206/821–2). There are seven records with *asānīd* for his tradition.[43] ʿAbd al-Ṣamad's version is transmitted by four different people, three of whom are listed in the *isnād* diagram in Schneider's book (p. 425). The fourth, Abū Qilāba, although he is mentioned by Schneider in a footnote (p. 367), is not considered, since there is only an *isnād* but no text by him. In this case as well, the common link does not meet Juynboll's requirements, since no partial common links are among the transmitters from ʿAbd al-Ṣamad.[44] As Schneider ascertains in her text analysis, all the texts that lead back to him are very similar without being identical. The versions that are transmitted by Bundār (Muḥammad ibn Bashshār) are somewhat more elaborate than the others (p. 80). It is typical of ʿAbd al-Ṣamad's text that he does not mention camels at the beginning of the story as Zanjī does, but only the *māl* that Surraq had wasted. Apart from that, the text has all the narrative motifs that Zanjī's version contains, although it often differs in the details. According to three of ʿAbd al-Ṣamad's transmitters, he declared the Medinan scholar ʿAbd al-Raḥmān ibn ʿAbd Allāh ibn Dīnār (active around the middle of the second century)[45] to have been his informant, who – according to the *isnād* – attributed the *ḥadīth* via the Medinan scholar Zayd ibn Aslam directly to Surraq. The only transmission that differs from this is by Abū Qilāba. It bypasses ʿAbd al-Ṣamad's informant ʿAbd al-Raḥmān ibn ʿAbd Allāh, goes directly back to Zayd ibn Aslam, and then inserts ʿAbd al-Raḥmān ibn al-Baylamānī before Zayd ibn Aslam (see p. 367, note 20). The transmission by Abū Qilāba has to be considered as defective in light of the remaining three *isnād* transmissions. Probably

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[41] Instead of *al-ākhira* (hereafter) the other versions state *al-ajr* (pay, i.e., the reward in the hereafter), which should be considered to be the original form of the text.

[42] Ṭaḥāwī, *Sharḥ*, 5:132 (no. 1875). The version by Muḥammad ibn Bashshār (Bundār) also adds: "but my name remained (*wa-baqiya ismī*)."

[43] Ṭaḥāwī, *Sharḥ*, 5:132 (no. 1875) should be added to the six records in Schneider's book.

[44] Even though two people transmit from Ibrāhīm ibn Marzūq, it is not three, as Juynboll requires of a genuine partial common link.

[45] His father died in 127/744–5. Ibn Ḥajar, *Tahdhīb*, 5:202.

he or a transmitter after him confused the *asānīd* of ʿAbd al-Ṣamad and Zanjī, perhaps because he confused the two ʿAbd al-Raḥmāns.[46]

Interim Results and the Version of Zayd's Sons

The following provisional appraisal for the dating of the Surraq transmissions may be made from the facts established so far: With the aid of the common link phenomenon it is possible to show that one version of the Surraq *ḥadīth* was spread in the third quarter of the second Islamic century in Mecca by Zanjī, and another version around the turn of the third/ninth century in Baṣra by ʿAbd al-Ṣamad. As already mentioned, the text analysis shows that both versions are very similar in structure and order of motifs. The many differences between both versions, however, exclude the possibility that they are directly interdependent, for example, Zanjī's text, as a model for ʿAbd al-Ṣamad's or vice versa. The correspondences between both versions must therefore go back to a common source that they both draw from.

This hypothesis is supported by the chains of transmitters. The *asānīd* that go back to Surraq from Zanjī and ʿAbd al-Ṣamad both have the Medinan transmitter Zayd ibn Aslam in common. Zanjī refers to him directly, ʿAbd al-Ṣamad via the Medinan scholar ʿAbd al-Raḥmān ibn ʿAbd Allāh ibn Dīnār. Zayd ibn Aslam thus receives the status of a common link, and Zanjī and ʿAbd al-Ṣamad become partial common links according to Juynboll's terminology. Contrary to Schneider's opinion, however, Zayd is not a common link according to Juynboll's requirements (three direct genuine partial common link-transmitters), since only Zanjī is a genuine partial common link, who refers directly to Zayd, while ʿAbd al-Raḥmān ibn ʿAbd Allāh does not. Nevertheless, the correspondences of the text variants and the *asānīd* allow us to conclude with some certainty that the Surraq *ḥadīth* was spread in the first third of the second century A.H. by the Medinan scholar Zayd ibn Aslam, who should therefore be considered as a genuine or historical common link, even though he does not satisfy Juynboll's requirements.[47]

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[46] The reliability of this *isnād* was already doubted by Bayhaqī, *al-Sunan al-kubrā*, 6:51.

[47] Juynboll's requirements are discussed in more detail in Motzki, "*Quo vadis Ḥadīṯ*-Forschung?," 47–54; "Whither *Ḥadīth* Studies?," 54–61.

Which version is more original, Zanjī's or ʿAbd al-Ṣamad's? If we had only these two versions transmitted from Zayd it would be difficult, if not impossible, to decide. Fortunately, P8 is a further version transmitted from Zayd, the *isnād* of which leads to him via his two sons ʿAbd al-Raḥmān and ʿAbd Allāh (pp. 366, 427). This *isnād* must be considered as a single strand.[48] A comparison of this text with the texts of the other variants shows, however, that it is independent of them. Even though it is much more similar to Zanjī's version than to ʿAbd al-Ṣamad's (see also p. 117), the differences are nevertheless too great to allow for the presumption that Zanjī's text was its model, or vice versa. Schneider, however, believes that P8, a text that is substantiated by only one single strand, is more believable and original than the text by the partial common link, Zanjī. P8 was allegedly the model for Zanjī, who supposedly deleted his actual informants, the two sons of Zayd, from the *isnād*. We are supposed to be dealing with a form of "spread of *asānīd*" in this case, as described by Schacht and Cook, as a possibility of *isnād* forgery. This conclusion, however, is in contrast to Juynboll's and Schneider's concepts regarding common links and single strands.

Schneider claims that P8 and the Zanjī tradition can "not be assessed as two independent transmissions" (p. 117). A comparison of the two texts clearly shows that such a claim is unfounded. The differences are too great for one text to have been the model for the other. However, if the version by Zayd's sons is an independent transmission, then it can be concluded from the similarity between this version and Zanjī's version that Zayd's original story dealt with the sale of one or several camels, and that ʿAbd al-Ṣamad's version, which only speaks of *māl* at the beginning and which is also shorter, is a deviation from Zayd's original version. The same is valid for the location where Zayd heard the story from Surraq. Zanjī and Zayd's sons agree that it was in Egypt, whereas ʿAbd al-Ṣamad's version mentions Alexandria. These peculiarities show that ʿAbd al-Ṣamad's version is secondary. Schneider, however, presumes that ʿAbd al-Ṣamad's version is Zayd's original variant (p. 117), but offers no reason for this supposition. Presumably she applies the questionable rule that shorter texts are more original than older ones.

[48] At most as two single strands, if one considers each of the sons as one transmitter. However, only one text of theirs exists.

This result means that the above text variants that contain *all* motifs originate from Zayd ibn Aslam, despite the differences between them. The long version is *his* story, which he spread in the first third of the second Islamic century. According to the chains of transmitters and the texts, Zayd is a genuine common link, even though Juynboll's requirement for three direct, real partial common links – in contrast to Schneider's opinion (p. 102) – is not fulfilled, since neither Zayd's sons nor ʿAbd al-Raḥmān ibn ʿAbd Allāh ibn Dīnār are partial common links, i.e., transmitters who are referred to as a direct source by at least three transmitters. According to her own methodological guidelines, the author should neither designate Zayd as a certain common link, nor derive a criterion for dating from him as common link.

A comparison of the *asānīd* of the three versions that refer back to Zayd ibn Aslam, but which are independent from one another, shows that two versions, those by ʿAbd al-Ṣamad and by Zayd's sons, agree that Zayd heard the Surraq story from Surraq himself, while Zanjī inserts a transmitter in between: ʿAbd al-Raḥmān ibn al-Baylamānī. According to the rules of the *isnād-cum-matn* analysis this should be assessed as an improvement of the *isnād* by Zanjī, who was obviously of the opinion that Zayd could not have heard the Companion of the Prophet himself. On this point Schneider adheres to my argument in a commentary on an earlier version of her book (p. 116). Why Zanjī turned to Ibn al-Baylamānī of all people can only be guessed at: perhaps because he was, like Zayd and his father, Aslam, a *mawlā* of the family of ʿUmar ibn al-Khaṭṭāb.

Ibn Lahīʿa

> Text: "Surraq bought textiles (*bazzan*) that a man who was able to recite Sūrat al-Baqara had brought. Then he [the seller] demanded it [payment of the debt],[49] but he [Surraq] disappeared. He [the victim] seized him and brought him to the Prophet. The Prophet said: 'Sell Surraq!' He [the victim] narrated: 'I took him away. The Companions of the Prophet haggled with me for three days. Finally it seemed better to me to set him free.' "[50]

[49] In the text – as in the version by Ibn ʿAbd al-Ḥakam – it states *tajārāhu*, which does not make much sense, and should, as Schneider suggests, be improved by changing it to *tajāzāhu* (p. 363). This form is also found in Ibn Ḥajar al-Haytamī's *Majmaʿ* (p. 372).

[50] Ṭabarānī, *al-Muʿjam al-kabīr*, 22:291 (no. 745).

Aside from the versions of the Surraq *ḥadīth* that go back to the Medinan scholar Zayd ibn Aslam, three further records exist that reveal a common link in their *asānīd*. Schneider names two, P2 and P3 (p. 363).[51] A third one from Ṭabarānī's *Muʿjam al-kabīr* should be added (see the diagram at the end of the chapter).[52] The common link of these *asānīd* is the Egyptian scholar Ibn Lahīʿa (d. 174/790–1), although once again he is not a common link who fulfils Juynboll's requirements. A comparison of transmission P3 from Ibn ʿAbd al-Ḥakam's *Futūḥ* with Ṭabarānī's transmission is sufficient proof that Ibn Lahīʿa is a genuine common link. The *asānīd* of both transmissions are identical from Ibn Lahīʿa on; their texts are quite similar. However, there are some differences that do not support the hypothesis that the two transmissions are interdependent. One can also infer from this that the anonymous transmitter of Ibn Lahīʿa in Ibn ʿAbd al-Ḥakam's version (see p. 363) is not identical to ʿAbd Allāh ibn Yūsuf [al-Tinnīsī][53] in Ṭabarānī's version.

The other transmission of Ibn ʿAbd al-Ḥakam from Ibn Lahīʿa (P2) fundamentally differs from the other two versions in the *isnād* as well as in the text. The text consists merely of a short summary of the facts ("The Messenger of God sold a man named Surraq due to debt"), and is more like a note *about* a transmission rather than a transmission itself. The *isnād* is defective. Both the rudimentary text and the defective *isnād* give rise to the suspicion that something is wrong with this *ḥadīth*. The character of this tradition and the methodological principle of the *isnād-cum-matn* analysis, that the version that is substantiated by two or more variants is superior to a singular one, lead to the conclusion that Ibn ʿAbd al-Ḥakam's version, P2, is not suitable for the reconstruction of Ibn Lahīʿa's transmission. Nevertheless, it is certain that Ibn Lahīʿa spread the transmission about the "debts of textiles" in the third quarter of the second century A.H. Whether he invented this *ḥadīth* himself or received it from the informant whom he mentions in the *isnād*, Bakr ibn Sawāda (d. 128/745–6), must remain unanswered at this point. According to the *isnād-cum-matn* method, Ibn Lahīʿa's version can only be dated back to the second half of the second /eighth century, when Ibn Lahīʿa's students adopted it from their teacher.

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[51] Transmissions P19 and P21 do not count, as no *isnād* leads from the collectors to the common link.

[52] Ṭabarānī, *al-Muʿjam al-kabīr*, 22:291 (no. 745).

[53] See Ibn Ḥajar, *Tahdhīb*, 6:86–88.

In contrast, Schneider views Ibn ʿAbd al-Ḥakam's tradition, P2, as the original version that Ibn Lahīʿa transmitted. She explains Ibn Lahīʿa's other version by assuming that "he himself considered it to be inadequate for meeting the requirements of a transmission from a certain point on". Therefore, he allegedly revised it, invented a more engaging text for it, added two further transmitters and, "in order to cover this up", also altered the *nisba* of the last transmitter from al-Juhanī to al-Qaynī (p. 99). The problematic methodological rule that, "in principle, defective *asānīd* are more likely to be older" plays a part in this conclusion (ibid.). The danger of such a generalisation becomes apparent in this tradition. First of all, clarification is needed as to what is meant by "defective *isnād*", and whether this rule can be applied to all types of defective *asānīd*. A gap at the end of an *isnād* should possibly be assessed differently than a gap in the third or fourth generation of transmitters. Is it not possible for gaps to occur in the course of the transmission process? Let us look more closely at the *isnād* of tradition P2:

> [ʿAbd al-Raḥmān] Ibn ʿAbd al-Ḥakam (d. 257/870–1) – Ibn Lahīʿa (d. 174/790–1) – Abū l-Khayr (d. 90/708–9) – Abū ʿAbd al-Raḥmān al-Juhanī (d. ?)

Schneider ascertains correctly that this *isnād* is defective. Ibn Lahīʿa cannot have heard Abū l-Khayr himself, since he was born after the latter's death (p. 97). This, however, is not the only gap. Ibn ʿAbd al-Ḥakam, who was born around 187/803,[54] could not have heard Ibn Lahīʿa himself. Are such gaps original and is the transmission therefore old? It does not seem plausible that Ibn Lahīʿa, who reached his prime as a scholar in the third quarter of the second Islamic century, would, in his *asānīd*, have named someone as his informant whom he could not possibly have met. The Egyptian *ḥadīth* scholars could certainly not have been that backward. The gap between Ibn ʿAbd al-Ḥakam and Ibn Lahīʿa is even less relevant regarding the age of the tradition.

A further indication that something is wrong with this transmission is Ibn ʿAbd al-Ḥakam's unusual comment: "I found it as such in my notes, whereupon I asked one of my colleagues for advice, and he told me the *ḥadīth* is such:" (version P3 by Ibn Lahīʿa follows, a variant of which is also found in Ṭabarānī's *Muʿjam*). Since Ibn ʿAbd al-Ḥakam could not have studied with Ibn Lahīʿa himself, his notes were most

[54] Ibn Ḥajar, *Tahdhīb*, 6:208.

likely copies of or excerpts from writings by Ibn Lahīʿa's students, and the colleague whom Ibn ʿAbd al-Ḥakam consulted must have been a former student of Ibn Lahīʿa's. Ibn ʿAbd al-Ḥakam's behaviour shows that he considered this *ḥadīth* to be defective, possibly because of the unlikely *isnād* as well as the *matn*. The *isnād* is very weak and the *matn* differs greatly from the text by ʿAbd al-Ṣamad, which Ibn ʿAbd al-Ḥakam also knew and transmitted. Why he even cites this defective tradition in his *Futūḥ* can only be guessed at. Perhaps he wanted to demonstrate how careful he was in the passing on of traditions. One can only speculate on how the *isnād* and the *matn* of P2 developed. The text looks like a note, like the summary of the content of a transmission. Such abridged versions of traditions do occur frequently. In the case of the *isnād* one wonders whether names or name-fragments were overlooked or "misread" during copying, and whether the *isnād* was originally even part of this note.[55] In any case, such transmission errors cannot be ruled out and are frequently observed.

This example emphasises that incompleteness of an *isnād* should not generally be considered as a clue to its age. P2 is not suitable for the reconstruction of the transmission by Ibn Lahīʿa due to its defective *isnād*, and probably its *matn* as well. This is also indicated by the two independent, largely identical versions that Ibn Lahīʿa transmitted. Schneider's conclusion that P2 is an old version that dates back to the time before Ibn Lahīʿa is pure speculation and without any foundation.

The Tradition P11 by Bayhaqī

> Text: "A man came to Medina and claimed that money belonging to him would arrive later. He borrowed a lot of money and squandered it. He was caught and it was discovered that he had no money. The Messenger of God thus ordered him to be sold."[56]

The phenomenon of the common link was useful for dating the transmissions examined thus far. *One* variant of the Surraq *ḥadīth*, however, does not suit this method. It is tradition P11 (p. 368), which can

[55] The presumption that this *isnād* stems from another tradition by Ibn Lahīʿa and was erroneously joined with the text of P2 has credibility, since such a tradition can be proven. See Mizzī, *Tuḥfa*, 9:232 and Ibn Ḥajar, *Tahdhīb*, 12:153.

[56] Bayhaqī, *al-Sunan al-kubrā*, 6:50 (see also Schneider, 368).

be found in Bayhaqī's (d. 458/1066) *al-Sunan al-kubrā*. The *isnād*[57] is purely Baṣran in the transmitter generations of the fourth to the second Islamic centuries, but it has two Egyptian transmitters at the end, the younger of whom, ʿAmr ibn al-Ḥārith, lived in the first half of the second century, and the older of whom, Yazīd ibn Abī Ḥabīb, died in 128/745–6. As opposed to the case of transmissions with common links, there are, according to most western *ḥadīth* experts, no solid criteria to assess a solitary *isnād* and to reconstruct the transmission history of the version in question on the basis of such a single strand. It is still possible to judge the *isnād* according to the traditional method of Muslim scholars and to examine the transmitters more closely by referring to information from the *rijāl* works (biographical dictionaries of *ḥadīth* transmitters). This is what Schneider does. She explains that on the basis of the *rijāl* literature there is no argument against the conclusion that "this transmission indeed goes back to Yazīd" (p. 96). This statement will be examined shortly.

Let us first see if there are other possibilities, aside from the *isnād*, to assess this transmission. We are dealing with a transmission that is related in content to the Surraq *ḥadīth*, even if his name is not mentioned and the text is much shorter than the three versions that we have become acquainted with thus far. It is therefore apparent that we need to examine whether any similarity between the text of this variant of the Surraq *ḥadīth* and one of the three other variants shows up, and whether its dependency on one of these can be established. Indeed, clear similarities to ʿAbd al-Ṣamad's version can be ascertained. A list of the correspondences follows:

- P11: "A man came (*qadima*) to Medina and claimed that money (*māl*) would arrive for him"
- Abd al-Ṣamad: "I came (*qadimtu*) to Medina and claimed that money (*māl*) would arrive for me"

- P11: "He borrowed a lot of *māl* (money) and squandered it"
- ʿAbd al-Ṣamad: "So they made deals with me (*bāyaʿūnī*) [on credit], but I wasted their money (*amwālahum*)"

[57] The *isnād* is: ʿAlī ibn Aḥmad ibn ʿAbdān – Aḥmad ibn ʿUbayd al-Ṣaffār – Ibrāhīm ibn Muḥammad al-Wāsiṭī – Hudba ibn Khālid – Ḥammād ibn al-Jaʿd – Qatāda [ibn Diʿāma] – ʿAmr ibn al-Ḥārith – Yazīd ibn Abī Ḥabīb.

– P11: “The man was caught (*ukhidha*)”
– ʿAbd al-Ṣamad: “They brought (*ataw*) me to the Prophet”

– P11: “The Messenger of God ordered him to be sold”
– ʿAbd al-Ṣamad: “The [Prophet] sold me…”

This comparison shows that P11 has the same structure and a similar choice of words as ʿAbd al-Ṣamad’s version. Schneider also observed this (pp. 79–83, 104). Thus a connection between both texts is established, but what kind of connection is it? P11 looks like a short version of ʿAbd al-Ṣamad’s version. If this was indeed the case, and P11 was dependent on this version, then it would mean that something is wrong with the chains of transmitters. Either the *isnād* of P11, or that of ʿAbd al-Ṣamad is defective. The *isnād-cum-matn* analysis, however, has shown that ʿAbd al-Ṣamad’s version in the end goes back to Zayd ibn Aslam, even though it is a very different, less narrative variant of Zayd’s original version. ʿAbd al-Ṣamad’s *isnād* thus deserves considerable confidence despite the uncertainty of whether the partial common link, ʿAbd al-Ṣamad, really received his version from the Medinan scholar ʿAbd al-Raḥmān ibn ʿAbd Allāh ibn Dīnār (although there is no reason to doubt this), and despite the fact that it is not possible to conclude whether the different wording goes back to ʿAbd al-Ṣamad himself or to his informant, ʿAbd al-Raḥmān. This means that the *isnād* of P11 is more likely to be defective than that of ʿAbd al-Ṣamad.

Schneider rejects this conclusion with the following arguments: 1) P11 has “an independent *isnād*” (p. 96, 104). In light of the scepticism that she shows towards the *asānīd* in the presentation of her methods, this argument demands explanation. We are dealing with a single strand *isnād* here that, according to Juynboll, should not be considered historic. Since the author adopts Juynboll’s views on single strands before and after the common link, it is inconsistent to accept P11’s single strand as credible. 2) She points out that P11’s *isnād* is defective: “The defective *isnād* is […] an indication of an early tradition” (p. 96). Defective here means that Yazīd, who was born in 53/673, transmits something about the Prophet without an informant from the generation of the Companions of the Prophet. This defect alone, as previously mentioned, is not enough to consider a tradition as old. Furthermore, one may ask how it is possible that a tradition like P11, with a defective *isnād*, can still be found in a late compilation such as the one by Bayhaqī if Schneider’s related argument is still relevant,

i.e., that "defective *asānīd* are in principle more likely to be older" and "were generally revised and completed later on" (p. 99). 3) The "defective Egyptian *isnād*" of P11 is up against a Medinan *isnād* of "good repute", and there is no plausible reason for a forger "to give up on a good Medinan *isnād* for the sake of a defective Egyptian one" (p. 105). Aside from the question of what "of good repute" means as a criterion for western *ḥadīth* criticism, one may ask why Zanjī improved Zayd's *isnād* if it is of such good repute. 4) According to Schneider, P11 cannot be a short version of the ʿAbd al-Ṣamad version, since it is not clear "why a story that takes place in Medina is transmitted in Egypt" (ibid.), referring to the two Egyptian transmitters in the *isnād*. This argument is completely beyond me. Why should transmissions about the Prophet, whose actions mostly took place in Medina, not have been transmitted in Egypt as well? 5) And finally, the author asserts that it is unlikely that the name Surraq "could have been omitted" in the shortening of the ʿAbd al-Ṣamad version, since it is part of the details that "enthralled the listener or reader" (ibid.). This is not a convincing argument either, since the text of P11 is not a narrative text that aims to captivate the listener. It is largely stripped of its narrative elements. The only issue is the case itself, namely that the Prophet had a fraudulent debtor sold. This is how the ʿAbd al-Ṣamad version would be summarised by a lawyer, who is mainly interested in the hard facts of such precedents, and not so much in the historical details. This could explain the development of P11 out of the ʿAbd al-Ṣamad version.

It is therefore more plausible to presume that P11 is a shortened variant of ʿAbd al-Ṣamad's version of the Surraq *ḥadīth*, rather than that the opposite (or any of the other possibilities Schneider speculates upon) is the case (see pp. 105–106). P11 either goes back to a version of ʿAbd al-Ṣamad's informant (according to the *isnād*, this is ʿAbd al-Raḥmān ibn ʿAbd Allāh ibn Dīnār), or to his own version. Since ʿAbd al-Ṣamad is from Baṣra and P11 largely has a Baṣran *isnād*, it seems reasonable to presume that version P11 developed in Baṣra. Hudba ibn Khālid (d. 235/849–50) and Ḥammād ibn al-Jaʿd (d. ?) could therefore be considered as possible authors.[58] Hudba could have summarily related ʿAbd al-Ṣamad's version, Ḥammād that of ʿAbd al-Ṣamad's informant. If one must choose between these two, then the

[58] See the *isnād* in the preceding note.

only possibility that remains is to refer to the information about them in the Muslim *rijāl* works. One look at Ibn Ḥajar's *Tahdhīb* suffices. Hudba is considered to be a very reliable transmitter, from whom Bukhārī and Muslim transmitted.[59] The opinion about Ḥammād ibn al-Jaʿd, however, is damning. The general tone is that his *aḥādīth* are worthless and that one should not go near them. Furthermore, it is reported that his notes became such a mess that he could not distinguish between them anymore.[60] According to Ibn ʿAdī, Ḥammād only transmitted two traditions from Qatāda, and P11 is not among them (p. 96). Nevertheless, Schneider opines that "considering the problems of the *rijāl* works this is not necessarily cause to consider the tradition as forged" (ibid.). If this literature is truly so full of problems, then it is incomprehensible that the author applies them so extensively in her book and bases her conclusion as to this *isnād*'s reliability on them.[61] If, however, one considers the *rijāl* literature as a useful historical source genre (with caution nevertheless), then one can only conclude that this *isnād* is unreliable. Therefore everything points to the development of tradition P11 in the second half of the second Islamic century in Baṣra, and that it has nothing to do with Qatāda or the Egyptian transmitters mentioned in the *isnād*.

Interim Review

Recapitulating the results gained so far by reconstructing the transmission process of the Surraq *ḥadīth* with the aid of the *isnād-cum-matn* analysis we can conclude that the earliest datable version is that of Zayd ibn Aslam, and this is substantiated by two variants, those of the two sons of Zayd and of Zanjī. This means that the *ḥadīth* was spread by Zayd in Medina no later than the first third of the second century A.H., was transmitted there by, among others, his sons, but was also spread in the second half of the second century in Mecca by Zanjī. A shorter, different version of Zayd's transmission that developed in Medina (judging by the *isnād* that shows the Medinan scholar

[59] Ibn Ḥajar, *Tahdhīb*, 11:24–25.

[60] Ibidem, 4:4–5.

[61] Incidentally, the *isnād* P11 is also questionable in the transmission *from* Hudba. The dates of death of Hudba ibn Khālid and the transmitter from him, Ibrāhīm ibn Muḥammad al-Wāsiṭī, differ by 88 years. Ibrāhīm would have to have been at least 95 years old if he had heard Hudba as a child.

ʿAbd al-Raḥmān ibn ʿAbd Allāh ibn Dīnār as transmitter from Zayd) was adopted by ʿAbd al-Ṣamad and Ḥammād ibn al-Jaʿd in the second half of the second century and was spread in Baṣra in various forms, by Ḥammād with a defective *isnād*. At the same time the Surraq *ḥadīth* was spread in Egypt by Ibn Lahīʿa in a textual form that differed greatly from the versions going back to Zayd ibn Aslam, and whose *isnād* does not pass through the latter.

According to Schneider, however, this *ḥadīth* developed in Egypt in the first century, initially in two forms, P11 and P2, that did not mention the name Surraq. They received their final Egyptian form in the second century, at the latest by the time of Ibn Lahīʿa. From Egypt this *ḥadīth* supposedly "wandered to Medina", in an early version that is unknown to us but that already included the name Surraq, "where it was significantly revised by Zayd and then disseminated" (pp. 119–120). The *isnād-cum-matn* analysis, however, shows that precisely variants P11 and P2 that Schneider considers to be the oldest, are actually shortened or faulty transmissions that must not be used for dating. When reading Schneider's analysis of the Surraq *ḥadīth* one cannot avoid the suspicion that she is driven by the notion that this *ḥadīth* could only have developed in Egypt because it was only there, and not in the Ḥijāz, that a genuine historical tradition of debt slavery existed. Methodological consistency is sacrificed to make the material fit this notion, and anything that does not conform is interpreted away or dismissed.

The *isnād-cum-matn* analysis of the text variants has clearly shown that the transmission of the texts that stem from the younger (partial) common links (Zanjī, ʿAbd al-Ṣamad and Ibn Lahīʿa) is much more stable, meaning it has undergone far less modification than the version of the older common link (Zayd ibn Aslam). This is a phenomenon that can frequently be observed in *ḥadīth* transmission.[62] The difference can probably be explained by the gradual standardisation of the transmission process and by the increase in written forms of transmission apart from the oral transmission. The previous discussion has also shown that not much can be achieved by applying a pure *isnād* analysis, based on Juynboll's criteria, to this *ḥadīth*. There are not enough variants available to do so. This shortcoming can be

[62] See Motzki, "Der Fiqh des -Zuhrī," 25, 31, 35–36; "The Jurisprudence of Ibn Shihāb al-Zuhrī," 27, 31, 33, 37–39.

compensated by the *isnād-cum-matn* analysis. This result applies to many other *aḥādīth* as well.

The Issue of Origin

Strictly speaking, the potentialities of the *isnād-cum-matn* method have been largely exhausted by the results so far. Nevertheless, the question arises as to whether the earliest demonstrable transmitter of the Surraq *ḥadīth*, the Medinan scholar Zayd ibn Aslam, invented the *ḥadīth* himself or whether he perhaps received it from someone else. To Schacht and his followers, this is a futile question, since they consider the common link in the *asānīd* as the actual author, i.e., inventor. However, as already mentioned in the discussion of the methods, this is not such a senseless question. I am attempting here to find an answer to this question, fully aware that I am entering less certain terrain.

If one compares the texts of the two earliest common links of the *ḥadīth* variants, those by Zayd ibn Aslam and by Ibn Lahīʿa, then it becomes apparent that they share a structural similarity despite their many differences. The four motifs contained in Ibn Lahīʿa's text (debts, judgement by the Prophet, haggling, manumission) are also found in *the same order* in Zayd's original version (this is, as mentioned above, the variant with the debt of camels). Moreover, it is possible – even probable – that Ibn Lahīʿa's "debts of textiles" is the result of a transmission error, and that originally his version was also about debts of camels. This would make the structural similarity even more apparent. On the other hand, the differences between Ibn Lahīʿa's and Zayd ibn Aslam's *mutūn* are too great for us to presume a direct interdependence between them, in whatever direction. It is too difficult to explain how, for example, the element "Sūrat al-Baqara" entered the Egyptian version if it was an abridged paraphrase of the Medinan version. On the other hand, it becomes difficult to explain the many extras in the Medinan tradition if it was modelled on the Egyptian version. If one does not want to indulge in speculation, then the most likely hypothesis is that the Medinan and the Egyptian versions are *not interdependent*, but that both go back to a *common source*, or that the commonality is the *historical core* of the story.

The *asānīd* of both transmissions support this hypothesis. If the Egyptian transmission was dependent on the Medinan one, then it remains unclear why Ibn Lahīʿa names Bakr ibn Sawāda as his infor-

mant and not his actual source, Zayd ibn Aslam. And if the Medinan tradition was modelled on the Egyptian one, why did Zayd not name his Egyptian informant if he received his transmission from, for example, al-Ḥubalī? After all, there are plenty of transmissions by Zayd in which he transmits via Successors from earlier authorities (the Companions and the Prophet).

It therefore makes sense to assume that the Egyptian and the Medinan versions of the Surraq story have a *common* history. One could give up at this point of inquiry and conclude that their origin cannot be determined anymore. But one could also ask oneself what that common history might have looked like in view of the texts and *asānīd* of both versions. I shall try to answer this.

Zayd names his source as Surraq himself, who also narrates his own story in all three Zayd-variants. However, according to Ibn Lahīʿa's *isnād*, the Egyptian version does *not* go back to Surraq but to Abū ʿAbd al-Raḥmān al-Qaynī, whose identity is controversial (p. 98). The contradictory information of the *rijāl* works does not aid us in his case. Ibn ʿAbd al-Ḥakam's *isnād* adds to this transmitter's name the comment that he was a Companion of the Prophet. This however is missing in the *isnād* of Ṭabarānī. Therefore, this addition could be a commentary by Ibn ʿAbd al-Ḥakam or his informant. The *matn* of the Ibn Lahīʿa version does not claim that the first transmitter, Abū ʿAbd al-Raḥmān al-Qaynī, was an eye-witness to the event either. It is therefore possible that Qaynī heard the Surraq story from someone else. This must have been the case, if he was not a true Companion of the Prophet, meaning he did not see the Prophet himself. From whom could Qaynī have received his story then? Most likely from persons other than the Prophet and Surraq, but someone who was involved in the case, for example, from the other main protagonist, the victim. This is precisely what Ṭabarānī's text suggests,[63] where the *creditor* speaks in the first person at the end of the story. This change from the third to the first person does "not make sense" to Schneider (p. 83). She presumes that the use of the third person is more original. One may object here that the use of the first person at the end of the story could very well be a relic from the original form of the narrative that had been lost in the version by Ibn ʿAbd al-Ḥakam. If there

[63] Schneider quotes this version from later sources (Ibn Ḥajar al-ʿAsqalānī's *Iṣāba* and Ibn Ḥajar al-Haytamī's *Majmaʿ*, P19 and P21).

was an eye-witness account, then it is much more likely that it was told throughout in the first person and that it had a more narrative character than Ibn Lahīʿa's version, transmitted 150 years later to his students.

Thus, there are indications in the texts and *asānīd* of the two oldest versions, those by Zayd and by Ibn Lahīʿa, that both versions do not go back to just one common source, a single author of the story, but to *two* different persons involved in the case, i.e., to the fraudulent debtor Surraq, from whom Zayd ibn Aslam claims to have heard the story in Egypt, and to the anonymous victim (or another eye-witness), from whom Abū ʿAbd al-Raḥmān al-Qaynī probably heard it. This means that we are dealing with two traditions that are independent of one another but that have features in common because they are rooted in the event itself. The common features are the historical core of the two *aḥādīth*. If this analysis is correct, then a 'Surraq' event did indeed take place in Medina at the time of the Prophet, as follows:

A man (later called Surraq, i.e., arch-rogue) bought camels from someone but disappeared without paying for them. His victim managed to get hold of the man and dragged him to the Prophet so that he could pass judgement in the case. The Prophet handed the double-dealer to the victim with the order to sell him so that he would be recompensed with the profit. Deals were made with potential buyers, but the creditor finally abandoned his plans and set the man free.

The reliability of the details of both of the oldest stories beyond this historical core is uncertain. These stories date back to a time in which the event had already taken place decades earlier. However, the following paragraph shows that one detail that can only be found in the story that goes back to Surraq himself, namely, how he received his name, is probably also historical.

The conclusion that the stories have an historical core and that the 'Surraq' event did indeed take place at the time of the Prophet also explains, in hindsight, a few features of the *aḥādīth*. 1) The fact that the oldest versions are long versions can be explained by the fact that they originally go back to the strongly narrative character of the stories told by the eye-witnesses. The narrative characteristics either gradually became lost in the process of transmission and in the process of the application of this *aḥādīth* to legal argumentation, or they were deliberately eliminated. 2) The fact that so little is known about the two oldest transmitters of the story is probably because they were either, as in the case of Surraq, only telling of their personal meeting with the

Prophet or, as in the case of Abū ʿAbd al-Raḥmān, only telling the personal story of an eye-witness but otherwise did not transmit anything spectacular or useful for later scholars.

The Issue of Surraq's Historicity

This result of the analysis of the Surraq *ḥadīth* is contrary to Schneider's results. For her, Surraq is a fiction, the personification of a criminal offence (theft), meaning he is not a historical person. She justifies this presumption with a series of arguments (see pp. 113–114), none of which strikes me as valid. It is not necessary to discuss them all; the previous discussion rebuts most of her arguments. Some, however, are interesting for methodological reasons, and will therefore be critically examined. They are:

1) The information about Surraq in the *ḥadīth* collections as well as in the biographical and lexicographical works "does not have a common denominator, however small" (p. 113). This is an all-inclusive and undifferentiated summary of the content of the sources. In my view, the evidence can be summarised in the following manner: In the traditions of the Surraq *ḥadīth* and in the early *ṭabaqāt* works (Ibn Saʿd, Bukhārī, Ibn Khayyāṭ), only the name Surraq appears, which is a nickname (*laqab*). From Ibn Ḥibbān's (d. 354/965) *Thiqāt* onwards, his actual name is given as al-Ḥubāb ibn Asad and he is mentioned to have lived in Egypt. In later works (Ibn al-Athīr, Mizzī, Ibn Ḥajar), Surraq's names of origin (*nisba*) are added: al-Juhanī, or rather al-Dīlī, and al-Anṣārī.

The sources show that the *ḥadīth* scholars did not know a lot about Surraq. There are several possible explanations for this, for example, only two *aḥādīth* by him were known; he was in Egypt, which was on the periphery of the early scholarly centres; he himself was not a scholar who had students who were informed about his biography; and the content of his *aḥādīth* collided relatively early on with the opinions of many early Muslim scholars. What little information about him there is, is partly contradictory, for example, whether he belonged to the tribe of the Juhayna or the Dīl.[64] Scanty and contradictory information, however, does not necessarily mean that he is only a fictitious rather than a historical person. There are other, much more

[64] The *nisba* al-Daylamī in Ibn Ḥajar's *Tahdhīb*, 3:456 is probably a printing mistake. In other sources it states al-Dīlī.

famous transmitters about whom little is known but who are considered historical despite the fact that the smallest common denominator is likewise not much more than their names (for example Nāfiʿ, the *mawlā* of Ibn ʿUmar).[65] It is true that the early sources contain less information on Surraq than the later sources, but this is not a criterion for designating a person fictitious either, since this fact is relevant for many, if not most of the early transmitters, even for those who are generally not considered to be fictitious.

2) According to Schneider, it is unlikely that Surraq was a historic person, since the Egyptian background story is the aetiology of the name: the name Surraq is related to the crime of its bearer. Schneider uses a suggestion here that I made in my comments on a manuscript of her book, a suggestion that was not, however, intended as a counter-argument to Surraq's historicity. It does not work as a counter-argument in this context for several reasons. The background story with the aetiology of the name Surraq can only be found, as we have seen, in the version by Zayd ibn Aslam, but not in the independent version by Ibn Lahīʿa, who nevertheless knows Surraq to be the main character. The comparison of both these versions has shown that they go back to different sources. The name thus has to be considered as part of the historical core of the story, and this presupposes a historical person by this name. Even though there is no need to say anything further in this regard, Schneiders comment with regard to the aetiology of a name is deserving of a small digression.

What exactly is the aetiology of a name? In Old Testament studies, for example, it is understood as a story that explains how a certain name came to be. This explanation may be true, meaning it indeed has an historical core, or not. Research presumes that such stories from the Old Testament are mostly not historical. However, even if the explanation for *how* the name developed is not true, it does not necessarily follow that the name itself and the person or place so named are imaginary and not historical.

An example can illustrate this: In the *Kitāb al-Aghānī* there are stories about the pre-Islamic poet-hero, Taʾabbaṭa Sharran, that narrate how he received this strange *laqab*, "he carries evil under his arm".[66] These stories are aetiologies of this name, stories whose authenticity

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[65] See Motzki, "*Quo vadis Ḥadīṯ*-Forschung?," 54–68; "Whither *Ḥadīth* Studies?," 61–74.

[66] Abū l-Faraj al-Iṣfahānī, *Aghānī*, 21:144–145.

is uncertain or questionable, i.e., on to whether they render how the name came into being in an historically credible manner. However, it is not possible to conclude either from this uncertainty regarding the stories or even from the assumption that they are completely unreliable that a person by this name did not exist and that the name is merely the personification of the idea of a child who brings misfortune or who is difficult to raise. Scholars, at the moment at least, do not doubt that the poet by this name was an historical person.[67]

The observation that the Surraq *ḥadīth* in Zayd's version is the aetiology of a name does not make it possible to deduce that the name Surraq does not belong to an historical person; one can only deduce that the *story* may not be true and that the events mentioned in it are not historical. However, this is precisely the conclusion that Schneider does not draw. According to her, "the knowledge that Surraq did not exist as a person" does not mean "that the entire story of his crime and the following punishment are devoid of any historical basis, that it is entirely fictional". The "real basis" however can "only be found out by doing a comparison to pre-Islamic law" (p. 115). Since Schneider relocates the origin of the Surraq *ḥadīth* to Egypt, it means that its historical basis has to be looked for in the laws of pre-Islamic Egypt.

3) One last argument by the author against Surraq's historicity that requires comment is that, even if Surraq had existed, Zayd ibn Aslam could not have met him due to his age (p. 115). Here Schneider refers to a comment by Ibn Ḥajar (d. 852/1448–9) in his *Iṣāba* that Surraq died during ʿUthmān's caliphate. Since this ended in the year 35/656 and Zayd died in 136/753–4 he could only have met him if he had become more than one hundred years old. Since Zayd states that he heard the story from Surraq himself, he must have lied.

However, it is not that simple. Ibn Ḥajar is, as Schneider herself notes, a late source. He does not elaborate further on the source for his information about Surraq's death-date. Therefore, it cannot be determined whether this is due to a tendency to discredit Zayd's *isnād* and, therefore, the entire *ḥadīth* for reasons of legal dogmatism. The testimony by the late source, Ibn Ḥajar, is up against that of Zayd in the early sources, which apparently was considered to be credible by several of his transmitters (with the exception of Zanjī, who added Ibn al-Baylamānī to his *isnād*). If we adhere to Zayd's own statement, then

[67] See A. Arazi, "Taʾabbaṭa Sharran."

the question arises again as to whether contact between the two was indeed possible. A simple calculation, like the following, shows that it was possible.

Zayd ibn Aslam died in 136/753–4 and, according to a tradition of Zayd's family, his father had already died during the lifetime of Marwān (d. 64/684), since the latter allegedly said the funeral prayer over Aslam's body.[68] If we assume, along with Bukhārī, that Aslam died between 60/679–80 and 64/683–4, then his son Zayd must have become at least 72–76 years old, possibly even a few years older, let us say 80 lunar years (about 78 solar years). Then Zayd would have been born in the year 56/676. Presumably he was very young when he met Surraq. Considering that active participation in warfare was permitted from the age of fifteen, a meeting could have occurred in the year 71/690–1 or a little later. If Surraq was still young during the event of which he told – let us say 18 years old – and the affair took place in Medina in the year eight/629–30 (the Prophet died in the year eleven/632), then Surraq would have been 81 or a few lunar years older when the meeting with Zayd occurred. This is congruent with the statement of the ʿAbd al-Ṣamad version that Surraq was an old man (an information only found in this version and not belonging to the original core of Zayd's story, it is true). A meeting between the two is thus not impossible. Why Zanjī saw this differently can only be speculated upon. The versions of Zayd ibn Aslam's sons and of ʿAbd al-Ṣamad agree on that Zayd met Surraq in Egypte. In any case, Ibn Ḥajar's information about Surraq's date of death is not an adequate argument to designate as fictitious Zayd's claim that he heard the story from Surraq himself.

To summarise it should be stated that Schneider's thesis that Surraq is not an historical person has an extremely weak foundation. Stronger arguments can be presented to show that he was an historical figure. The name Surraq belongs to the historical core of the story that was presented in detail in the previous paragraph. Since the name is part of the historical core of the story, the aetiology of his name that is only contained in the version that goes back to Surraq himself should also be considered as historically credible in this case.

[68] See Ibn Ḥajar, *Tahdhīb*, 1:266.

A Further Surraq-Ḥadīth

While considering Surraq's historicity, Schneider did not take into account that, besides the *ḥadīth* about Surraq's fraudulent debts and the judgement by the Prophet that the creditor may sell him, there is another *ḥadīth* that is traced back to Surraq. Even though Schneider mentions its existence (p. 112), she spends no further time on it. If the name Surraq was only connected to the *ḥadīth* about the fraud, then one might still be able to understand the author's thesis that Surraq was not an historical person but only the personification of a crime. But how can one explain the occurrence of Surraq as the transmitter of another *ḥadīth*, that has nothing to do with theft or fraud, but that deals instead with valid evidence for sentencing? Schneider does not pursue this issue and seems to consider this second Surraq *ḥadīth* to be unreliable from the start, as can be ascertained from her comment that this *ḥadīth* was "attributed" to Surraq (p. 112). Such a judgement, however, can only be passed after actually analysing the text. Without argumentation such an assessment is unacceptable. This speedy judgement is even less understandable since the *ḥadīth* has a defective *isnād*, which, according to Schneider's methodological rules, should mean that it is very old. It is found in one of the six canonical *ḥadīth* collections and in a few other works. Let us pursue this further!

The *ḥadīth* in question is found in Ibn Māja's *Sunan* in the following form:

> Abū Bakr ibn Abī Shayba – Yazīd ibn Hārūn – Juwayriya ibn Asmāʾ – ʿAbd Allāh ibn Yazīd, *mawlā* of al-Munbaʿith – an Egyptian transmitter (*rajul min ahl Miṣr*) – Surraq: The Prophet allowed for the testimony of the man together with the oath of the plaintiff (*anna l-nabī ajāza shahādat al-rajul wa-yamīn al-ṭālib*).[69]

The texts of Bukhārī's and Ṭabarānī's versions differ slightly from this (Bukhārī: *al-nabī qaḍā bi-yamīn al-muddaʿī maʿa l-shāhid*; Ṭabarānī: *al-nabī qaḍā bi-shāhid wa-yamīn*).[70] The *asānīd* of these three transmissions (versions without *isnād* are not considered) and also the *isnād* (without *matn*)[71] named in Mizzī's *Tuḥfa* allow us to identify

[69] Ibn Māja, *Sunan*, II, 13:31.
[70] Bukhārī, *al-Taʾrīkh al-kabīr*, 2/2:210 (no. 2528). Ṭabarānī, *al-Muʿjam al-kabīr*, 7:166 (no. 6717).
[71] Mizzī, *Tuḥfa*, 3:180.

Juwayriya ibn Asmāʾ as the common link,[72] from whom four different transmitters received the *ḥadīth*. Juwayriya is therefore a solid indicator for the dating of the *ḥadīth* according to the rules of the *isnād-cum-matn* analysis, especially since the texts transmitted from him are not completely identical, but show differences that support the supposition that they are not interdependent and did not develop through "the spread of *asānīd*". As already indicated in the case of the first Surraq *ḥadīth*, our possibilities for dating are not necessarily exhausted by establishing a common link in the *asānīd*. If certain criteria are met or arguments found that support the proposition that the content of the transmission stems from the time *before* the common link, then this common link may be only the (first) collector and transmitter, and not the author of the *ḥadīth* in question. In this case as well there are arguments supporting the idea that the common link is not the author (inventor, forger) of the tradition.

Juwayriya ibn Asmāʾ, a Baṣran transmitter esteemed by *ḥadīth* critics, died in 173/789–90. He transmitted from, amongst others, his father, Nāfiʿ, Zuhrī, and also from his contemporary, Mālik ibn Anas.[73] In view of such authoritative informants, it is unlikely that he invented this tradition from Surraq, added such an incomplete *isnād* to it and ascribed it to a virtually unknown transmitter and an equally unknown or fictional Companion of the Prophet. Furthermore, at the time he was active as a transmitter, similar *aḥādīth* were already widely disseminated with perfect *asānīd* that went back to the famous Companions of the Prophet, Abū Hurayra, Jābir ibn ʿAbd Allāh and Ibn ʿAbbās.[74]

The fact that Juwayriya refers not to his famous teachers and informants for this *ḥadīth*, but to ʿAbd Allāh ibn Yazīd, a Medinan barely known as a transmitter,[75] supports the supposition that ʿAbd Allāh ibn Yazīd was his real informant. If he needed a fictitious informant, his famous teachers would have been a more plausible choice. It means that this *ḥadīth* can be dated back to at least the generation of this ʿAbd Allāh. His date of death is not known, but he must belong to the generation of Yaḥyā ibn Saʿīd al-Anṣārī (d. 143/760–1) and Rabīʿa ibn Farrūkh (d. 136/753–4), who, like himself, transmitted from his

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[72] Ṭabarānī's Juwayriya ibn Ismāʿīl is due to a transmission error.
[73] Ibn Ḥajar, *Tahdhīb*, 2:124.
[74] See A.J. Wensink, *A Handbook of Early Muhammadan Tradition*, 179.
[75] See Ibn Ḥibbān, *Thiqāt*, 7:58.

father Yazīd.[76] This is the generation of Zayd ibn Aslam, who transmitted the other Surraq *ḥadīth*. Did ʿAbd Allāh ibn Yazīd invent the Surraq *ḥadīth* about valid evidence for sentencing? On the one hand, the fact that he names an *anonymous* transmitter who refers to Surraq as his source[77] and, on the other hand, the fact that he calls him an *Egyptian* transmitter suggest otherwise.[78] Had ʿAbd Allāh ibn Yazīd invented the *ḥadīth* or its *isnād*, why would he have transmitted it from an anonymous person? One would have expected him, instead, to transmit from a more important transmitter such as his father, who had transmitted from, among others, Abū Hurayra,[79] and to name a Medinan rather than an Egyptian transmitter. It is difficult to say why he does not name his Egyptian transmitter; perhaps he just forgot his name. The facts that the transmitter remains anonymous and that the content of the *ḥadīth* does not suggest an Egyptian origin suggest that ʿAbd Allāh ibn Yazīd's statement that he received the *ḥadīth* from an Egyptian transmitter is credible. Chronologically the circulation of the tradition in question can be dated to the second half of the first century.

Having analysed the *isnād*, let us now turn to the *matn*. This states that the Prophet passed or allowed judgement to be passed based on the testimony of "the man" and the oath taken by the plaintiff. The question is whether the basis of this statement about the Prophet must be sought in the story of Surraq, who had been convicted by the Prophet or whether it is an independent tradition. The early versions of Surraq's story only mention a transaction between Surraq and a man. There is no mention of any witnesses to this transaction, and the details of the story rather suggest the opposite. After the victim had dragged Surraq to the Prophet, the Prophet was faced with the problem of finding a basis upon which to pass judgement. Surraq's story does not mention this problem explicitly. If Surraq had denied that the transaction had ever taken place, his testimony would have stood against the plaintiff's testimony. According to the original version of the story by Zayd ibn Aslam, however, Surraq confessed. He admitted having squandered the money from the sale of the camel

[76] See Ibn Ḥajar, *Tahdhīb*, 11:375.

[77] Ṭabarānī's version states *rijāl* instead of *rajul*. Bukhārī remains silent about the anonymous link.

[78] In Ṭabarānī's version Surraq as well is described as an Egyptian transmitter.

[79] See Ibn Ḥajar, *Tahdhīb*, 11:375.

or camels (see above the versions by Zanjī and Zayd's sons). If the Surraq *ḥadīth* about the evidence is dependent on this story, than the expression *shahādat al-rajul* must be understood as "the testimony of the accused" meaning his confession. This would be a use of the term *shahāda* which is unusual in juridical matters, it is true, but it could be that Surraq (if he is indeed the source of the tradition) not versed in juridical niceties, understood his confession as a testimony. Even then it would be strange that the plaintiff had to take an oath in addition to Surraq's confession. This could perhaps be explained by the assumption that Surraq first denied the crime and only later confessed.

Another explanation of Surraq's short tradition is that it is independent of the *ḥadīth* on Surraq's crime and the Prophet's judgment and that it reflects instead the early Medinan doctrine and practice of judicial procedure in case of a claimant who had only one witness for his claim. According to Mālik's *Muwaṭṭa'* the claimant was then permitted to take an oath. Mālik ascribes this doctrine and practice to several Medinan Successors flourishing in the second half of the 1st century one of whom even alleges that it was a practice of the Prophet.[80] This explanation seems to be more probable and also fits the result of the *isnād* analysis.

The Ḥadīth *P23 about the Sale of a Free Person*

The result of my analysis of the Surraq *ḥadīth* is indirectly supported by an independent transmission that Schneider introduces as P23 in the appendix of her analysis of the Surraq *ḥadīth*, but which she considers to be a late forgery modelled on one of the other versions of the Surraq *ḥadīth* (pp. 122–123). P23 can be found in Dāraquṭnī's and Bayhaqī's *ḥadīth* collections and states plainly: "The Prophet sold a free person who had become insolvent" (p. 374). This text could be a short version that summarises one of the known versions of the Surraq *ḥadīth*. However, the text's brevity means that such a dependency cannot be proven. It is just as likely that we are dealing with the short form of an independent transmission about the Surraq-case, the more detailed variant of which has been lost. Since the text analysis is unable to offer any clues, the only option is to attempt to date it with the aid of the *asānīd*. They are:

[80] Mālik, *Muwaṭṭa'*, 36:5–7.

a) Dāraquṭnī:[81] Aḥmad ibn al-Muḥammad ibn al-Jarrāḥ – Yūsuf ibn Saʿīd – *Ḥajjāj* – Ibn Jurayj – ʿAmr ibn Dīnār – Ibn Saʿīd[82] or Abū Saʿd.

b) Bayhaqī:[83] Aḥmad ibn Muḥammad ibn al-Ḥārith – Abū Muḥammad ibn Ḥayyān – Ibrāhīm ibn Muḥammad ibn al-Ḥasan – Ibrāhīm ibn al-Ḥasan al-Maṣṣīṣī – *Ḥajjāj* – Ibn Jurayj – ʿAmr ibn Dīnār – Abū Saʿīd al-Khudrī.

Ḥajjāj ibn Muḥammad (d. 206/821–2) is the common link in the *asānīd* of both variants of the tradition.[84] This allows for a first dating of the tradition to the end of the second/eighth century. However, the two Surraq-*aḥādīth* have already shown that it is possible in some cases to get ahead of the common link chronologically if certain criteria are met. Thus, it has been shown that dating does not have to stop at the common links ʿAbd al-Ṣamad, Ibn Lahīʿa, Zayd ibn Aslam and Juwayriya, but that the history of their variants can be reconstructed in a methodological and critical manner using "data" that the texts and chains of transmitters offer. As I argued, these four common links are not forgers but collectors who took up older material and disseminated it in forms that are peculiar to them. The single strand of the common link Ḥajjāj in tradition P23 (Ibn Jurayj – ʿAmr ibn Dīnār – Abū Saʿīd al-Khudrī or Abū Saʿd or Ibn Saʿīd) therefore cannot in itself be regarded as forged. That there are no older common links for this tradition may be due, among other things, to the fact that this tradition was rejected because of its content and was thus absorbed by only a few sources. This may mean that transmissions that perhaps once existed have been lost.

Aside from the main possibility that the transmission in question is older than the common link, we may take into account the following: Independent of Ḥajjāj's *ḥadīth*, we know that the facts established in the *ḥadīth* by Ḥajjāj indeed occurred in Medina. Our reconstruction of the history of the long Surraq *ḥadīth* has shown this. It, therefore, cannot be ruled out that other people also heard of this incident and passed it on. Why should Ḥajjāj's *ḥadīth* not go back to such a tradition? In any case, his *isnād* confirms this. It states: Ibn Jurayj – ʿAmr ibn Dīnār – Ibn Saʿīd or Abū Saʿd (Dāraquṭnī) or Abū Saʿīd al-Khudrī (Bayhaqī).[85]

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[81] Dāraquṭnī, *Sunan*, 3:16 (no. 51).
[82] See note 85.
[83] Bayhaqī, *al-Sunan al-kubrā*, 6:50.
[84] However, it does not meet Juynboll's requirements.
[85] Bayhaqī, *al-Sunan al-kubrā*, 6:50 also quotes the version of Dāraquṭnī. The edition

As in the cases of a) the solitary tradition P11 quoted by Bayhaqī and b) the Surraq *ḥadīth* on the evidence for sentencing that were both discussed above, there is no other choice but to refer to the information of the Muslim *rijāl*-literature. According to this literature, Ḥajjāj ibn Muḥammad al-Maṣṣīṣī was one of the most well-known and trusted students of the Meccan scholar, Ibn Jurayj. Ḥajjāj had authenticated his copies of Ibn Jurayj's books by reading them to his teacher (with the exception of the latter's *Tafsīr*, which he acquired through dictation). Initially, he lived in and taught in Baghdad, and later in Maṣṣīṣa (Syria). However, his transmitting became less reliable in his old age and after his return to Baghdad, where he died.[86] His later unreliability as transmitter should not have affected the transmission at hand, since the transmitters of Ḥajjāj, Yūsuf ibn Saʿīd (in Dāraquṭnī's *isnād*) and Ibrāhīm ibn al-Ḥasan (in Bayhaqī's), both came from Maṣṣīṣa and thus probably were not among his students in Baghdad.

I have examined Ibn Jurayj's transmission of ʿAmr ibn Dīnār elsewhere on the basis of the material that is found in the *Muṣannaf* by ʿAbd al-Razzāq, another important student of Ibn Jurayj. The result of that analysis was that the legal opinions and transmissions that Ibn Jurayj accredits to his long-time Meccan teacher, ʿAmr ibn Dīnār, do indeed go back to him.[87] The transmission at hand is not found in ʿAbd al-Razzāq's *Muṣannaf*. However, this does not justify the conclusion that Ḥajjāj must have wrongly accredited it to Ibn Jurayj, since ʿAbd al-Razzāq's *Muṣannaf* probably only contains a selection of the material taught by Ibn Jurayj.

ʿAmr ibn Dīnār can also be considered a reliable transmitter. A comparison of the material that he taught in his lessons with that of his slightly older Meccan colleague, ʿAṭāʾ ibn Abī Rabāḥ, shows that he

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of Bayhaqī's *al-Sunan al-kubrā*, however, diverges from the text of the edition of Dāraquṭnī's *Sunan* (3:16, no. 51), and reports the alternative names at the end of the *isnād* as "Abū Saʿīd or Abū Saʿd". Without reference to the manuscripts it is difficult to decide which is more original. Probably the version "Ibn Saʿīd" is preferable due to its more elaborate spelling. It literally invited a re-reading of or improvement to the well-known Abū Saʿīd and the addition of al-Khudrī, as it is found in Bayhaqī's other version, which also removes any doubt. The difference could thus be blamed on the transmitter between Dāraquṭnī and Bayhaqī. On the other hand, the editor of Bayhaqī's *Sunan* could also be responsible. The edition is not very reliable, and the confusion of Ibn with Abū and other mistakes commonly occur.

[86] Ibn Ḥajar, *Tahdhīb*, 2:205–206.

[87] Motzki, *Die Anfänge der islamischen Jurisprudenz*, 157–183; *The Origins of Islamic Jurisprudence*, 173–204.

was not a systematic forger of transmissions. When he does mention sources, one may generally presume that he did actually receive the material from them.[88] In the present case, one of the later transmitters of the *ḥadīth* apparently had doubts about the correct name of ʿAmr's informant, perhaps because this transmitter's notes were not clearly written or because he could not remember the pronunciation of the name from the lessons. It is unlikely that this hesitant transmitter is Ibn Jurayj, who was well informed about his teacher's informants; it is probably a later transmitter. In any case, the alternative, Ibn Saʿīd (or – less likely – Abū Saʿīd), does not originate from any in-depth knowledge on ʿAmr ibn Dīnār's informants. Ibn Saʿīd is not an identifiable informant of ʿAmr, and direct transmission of ʿAmr from the Companion Abū Saʿīd al-Khudrī is not known. In contrast, the sources name the Medinan Abū Saʿd ibn Rāfiʿ as one of ʿAmr ibn Dīnār's informants.[89] He was probably the transmitter originally mentioned by ʿAmr in this *isnād*. However, Abū Saʿd was not a Companion of the Prophet; thus, the *isnād* does *not* go back to an eye-witness. This means that Abū Saʿd, relying on hearsay, was reporting about a story that was in circulation in the second half of the first /seventh century in Medina, thus, *earlier* than Zayd's detailed story about Surraq. This hearsay information could explain the brevity of the text. However, it is also possible that Abū Saʿd reported a more detailed story that was shortened for juristic purposes by ʿAmr ibn Dīnār.

In contrast, in her book Schneider is of the opinion that this *ḥadīth* is "a late and shortened version of the Surraq *ḥadīth*". Possibly, she writes, "the fabrication of the *isnād* and the shortened citation could be blamed on Ḥajjāj" (p. 123). Her main arguments are: 1) The *isnād* is seamless and thus young (p. 122). That this is a dangerous rule has already been stressed in the discussion of the methods of her book. Besides, the *isnād* is *not* unbroken. Schneider's misjudgement is due to the reading of the earliest transmitter as Abū Saʿīd al-Khudrī, whereas in all likelihood this is not the original name in the *isnād*. 2) The likely common link must be Ḥajjāj, therefore his single strand must be wrong (ibid.). This is based on her idea that common links should generally be considered to be the originators, i.e., the forgers. Thus, no further comment is necessary, but it should still be pointed out

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[88] Ibidem.
[89] See Ibn Ḥajar, *Tahdhīb*, 12:107.

that the single strand by Ḥajjāj does not differ in its quality from the single strand *isnād* of P11.[90] The fact that P23 has a late common link in the *asānīd*, but that the solitary transmission of P11 does not, is no reason to conclude that the *isnād* of P23 was forged, whereas the *isnād* of P11 is reliable.

The Pre-Islamic Law of Obligations in the Ḥijāz

The analysis of the *aḥādīth* about the "sale" of Surraq by the Prophet shows that they have an historical core, meaning that the case did indeed occur at the time of the Prophet. This result surprises me and surely the majority of western *ḥadīth* experts, since one cannot generally get this far with the source-critical methods presently available. However, this result is not easy to come to terms with for Muslim scholars either, since such behaviour by the Prophet runs contrary to the later consensus by Muslim scholars that a free person must not be sold. For this reason these *aḥādīth* were ignored by the compilers of the so-called canonical *ḥadīth* collections, considered to be "abrogated" by the exegetes, and categorised by legal scholars as traditions that are singular, transmitted by unreliable persons, and/or contrary to the *ijmāʿ*.[91] However, the fact that the majority of Muslim scholars rejected this *ḥadīth* for dogmatic reasons does not mean that the result of the *ḥadīth* analysis at hand is wrong. On the contrary! There were still a few early Muslim scholars who were convinced of the authenticity of these *aḥādīth* despite the emerging consensus against the sale of a free person. They resolved the contradiction between this *ḥadīth* and the *ijmāʿ*, which was based on the Qurʾān and differing traditions, with the concept of abrogation (*naskh*). According to this concept, the decision by the Prophet to sell a debtor was abrogated by the revelation of verse 280 of Sūrat al-Baqara.

The earliest source where we come across this solution is the *Sharḥ mushkil al-āthār* by the Egyptian scholar, Ṭaḥāwī (d. 321/933). During his lifetime there was nearly unanimous consensus that a free person must not be sold. This becomes clear from Ṭaḥāwī's argumentation, for he rejects the opinion of other scholars that it is irrelevant whether the *ḥadīth* in question is authentic or not, since the legal scholars do not act according to this *ḥadīth* anyway. Ṭaḥāwī instead stresses

[90] See above pp. 156–160.
[91] See the medley of opinions by Schneider, 263–274.

that the legal provision (*ḥukm*) of this *ḥadīth* was common in early Islam, since it belonged to the law (*sharīʿa*) of the earlier Prophets. As proof, he quotes an anecdote that the Prophet was said to have told about the man of God, al-Khaḍir. In this story al-Khaḍir voluntarily allowed himself to be sold into slavery in order to be able to offer alms to a poor slave (*mukātab*). Muḥammad also acted accordingly and supported slavery for debts until the *ribā*-verse (Qurʾān 2:280) was revealed.[92] Ṭaḥāwī's opinion was adopted by later scholars like Naḥḥās (d. 338/949–50),[93] Ibn Ḥazm (d. 456/1064),[94] Kāsānī (d. 587/1191), Qurṭubī (d. 671/1272–3) and others, or was mentioned as a possibility for solving the problem of this *ḥadīth* which the majority of scholars considered strange (pp. 263, 264, 266, 268).

Schneider is unable to endorse the solution to this contradiction, as conceptualised by some Muslim scholars, for the following reasons: 1) the Surraq *ḥadīth* has "no roots in Medina, but was later imported from Egypt" and, *ḥadīth* P23 could not "be considered as an independent proof for such a decision by the Prophet" either (p. 132). 2) Verse 2:280 of the Qurʾān and a passage from the so-called Constitution of Medina make it clear which law of obligations was in effect in the Ḥijāz at the time of the Prophet. This law of obligations makes "a verdict by the Prophet that includes debt-slavery" (p. 132) inconceivable. Debt-enslavement thus does not have its roots in the Ḥijāz (p. 133).

We do not need to discuss the first argument further, since we have already analysed the *aḥādīth* in question and seen that they have roots in Medina. The second argument, however, deserves to be examined more closely. Firstly, one may ask what the author understands by the "law of obligations that was in effect at the time of the Prophet" (p. 131). Since she is of the opinion that the Prophet could not have acted as described in the Surraq *ḥadīth* and later changed his practice, she seems to equate the Prophet's law of obligations as manifested in Qurʾān 2:280 with the law of the Ḥijāz in pre-Islamic times. This

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[92] Ṭaḥāwī, *Sharḥ*, 5:133–139.

[93] Ṭaḥāwī is the source of Naḥḥās, not the scholar Aḥmad ibn Muḥammad of Mosul whom Schneider mentions (see above note 36).

[94] Ibn Ḥazm however expressed himself very carefully. He says: Qurʾān and *sunna* prohibit the enslaving of a free man or woman. "There is however a *ḥadīth* that a free person could be sold into slavery at the beginning of Islam, until Qurʾān 2:280 was revealed." The wording of this seems to suggest that Ibn Ḥazm was sceptical of this *ḥadīth* (p. 35). To Schneider this means that Ibn Ḥazm was convinced that in early Islamic times a debtor was indeed sold (p. 132).

opinion also becomes apparent from her mode of questioning in the introduction to the second chapter: "It needs to be clarified whether in Medina at the beginning of Islam debt-slavery was *a known or common procedure* against an insolvent debtor, that the decision of the Prophet was based on" (p. 58, my emphasis). Are these presumptions evident? 1) Does the law of obligations that is reflected in Qurʾān 2:280 necessarily have to follow the pre-Islamic law of obligations? 2) Independent of this, the question arises as to whether Qurʾān 2:280 (or the passage of the Constitution of Medina) is indeed as incompatible with the Prophet's decision in the Surraq *ḥadīth* as Schneider and most Muslim scholars presume.

Let us deal with the first question. Schneider presumes that the assertion by some Muslim scholars that debt-slavery (meaning the sale of debtors) existed in pre-Islamic times and in Islam until the revelation of Qurʾān 2:280 is solely based on the Surraq *ḥadīth* that is often mentioned in this context. She supports her presumption with her analysis of legal opinions of caliphs, judges and legal scholars of the Ḥijāz of the first one and a half centuries, in which she did not unearth any proof for the existence of debt-slavery. Furthermore, she considers the statement by the well-known Medinan scholar Zuhrī (d. 124/742) that he was unaware of any free persons having been sold due to debts in the time of the Prophet (P24) to be "credible and at least subjectively sincere" (p. 198). Sifting through the secondary literature for evidence of the existence of debt-slavery in Arabic law in pre-Islamic times was also fruitless. Schneider summarises: "There is no basis for a law of obligations in bedouin Arabia. In the cities Roman (provincial) law, as well as Jewish and possibly Christian law were in effect" (p. 302). From all this the author concludes that it is not likely "that debt-slavery was practised in the form that was applied in the Surraq *ḥadīth* in Medina at the time of the Prophet" (p. 199).

All these arguments are not as solid as they appear to be. Ṭaḥāwī's grappling with the issue of debt-slavery shows that the Muslim scholars did not rely solely on the Surraq *ḥadīth*. The fact that there is no indication of a positive opinion regarding debt-slavery among the early Muslim legal opinions in the Ḥijāz could be connected to the strong influence that the qurʾānic view had here. However, this does not necessarily indicate that there were no supporters of debt-slavery in the Ḥijāz. Taking the silence of the sources as an argument would be extremely risky in view of the scarcity of sources available for the early period and the opinion of several Islamic scholars that debt-

slavery was known in pre-Islamic Arabia. Zuhrī's statement could be a "counter-tradition" that is aimed against legal opinions in favour of debt-slavery. This would be evidence *for* rather than against the existence of legal opinions that supported debt-slavery. And, incidentally, the author agrees with this on p. 126, where she supposes that Zuhrī's statement could be aimed against Zayd's version of the Surraq *ḥadīth*.

Schneider's reference to pre-Islamic Arabian law is especially interesting. If Roman and Jewish law, that is to say, legal systems that were not unfamiliar with debt-*servitude*, were in effect in the cities of the Arabian Peninsula before Islam (which, incidentally, is only a theory, not a proven fact), then why exclude the possibility that a corresponding law of obligations existed in Mecca and Medina? If this law existed, then it is possible that in these and other cities of the Arabian Peninsula Roman and Jewish law was not always applied correctly. Occasionally sentences might have been sharpened, and *slavery* instead of servitude may have occurred as punishment for debt. Why, in general, is a case of debt-slavery conceivable only outside the Arabian Peninsula despite the fact that outside the Peninsula debt-slavery no longer existed in pre-Islamic civil law or is at least not documented in legal systems of the Middle East in the fifth and sixth centuries A.D., as the author's examination of these legal systems shows (see pp. 302, 339–340). Was the pre-Islamic law of obligations that was in effect on the Arabian Peninsula limited solely to the forfeiting of assets, and thus more advanced than anywhere else in the Near and Middle East and the Mediterranean?

These unanswered questions reveal a further shortcoming of Schneider's book. In her analysis of the law of obligations, she neglects to deal more closely with Qurʾān 2:280 and related verses, as well as the corresponding *tafsīr* traditions. These are the most likely sources for clues about the pre-qurʾānic law of obligations. Even though Schneider quotes Qurʾān 2:280, she is content with the comment that the Qurʾān does not offer any concrete rules regarding the law of obligations, but only urges restraint and the postponement of the re-payment of debts. This observation is correct, but even if this verse does not clearly state a legal rule, it nevertheless signals a qurʾānic grappling with the issue of debts. What is the cause of this revelation? If we can answer this question, we might gain some insight into the pre-Islamic law of obligations of the Ḥijāz, or at least the customary manner of dealing with debtors. To do so, it is advisable to proceed in two steps. First

the qurʾānic verse needs to be examined text-intrinsically, meaning with the Qurʾān itself as the context; and, secondly, the material in the Muslim Qurʾān commentaries should be consulted. On the one hand, the immediate context, meaning the verses before and after the verse at issue, and, on the other hand, the entire Qurʾān, meaning other verses and groups of verses that deal with similar issues, will be considered for a text-intrinsic examination.

Verse 280 of the second Sūra:

> *Wa-in kāna dhū ʿusratin fa-naẓiratun ilā maysaratin wa-an taṣaddaqū khayrun lakum in kuntum taʿlamūna* (If someone is in difficulty, grant him delay, until he is in ease; that you give alms is better for you, if you have knowledge).

What is really at issue in this verse, what the meaning of "difficulty" and "delay" is, can only be inferred from the context. Verses 275–284 constitute the immediate context. Here several facts come up: There are people, who consume (literally: eat) *ribā*. They defend this by arguing that selling and *ribā* are the same. God, however, has permitted selling, and prohibited *ribā*. The consumption of *ribā* after its prohibition leads to everlasting hellfire (275). God lets *ribā* fade, but the alms that one gives, He lets grow (*yurbī*) (276), meaning *ribā* is earthly, transient gain, whereas alms bring the reward of the Hereafter. The next verse, 277, refers to the otherwordly gain of good deeds and of giving alms. The Arabic verb that is here translated as "to let grow" is derived from the same root as the noun *ribā*. Verse 278 calls on believers to fear God and to forego outstanding *ribā*. Those who refuse are threatened with war (*ḥarb*) that God and his messenger will make on them. Those who forego the (outstanding) *ribā*, however, have the right to their capital (*ruʾūs amwāl*). In this manner one can avoid doing injustice and at the same time one is not wronged (279). Verse 280, quoted above, is connected to this, and should be paraphrased after the previous verses like this: If someone is unable to repay a debt in due time, then he should be granted a delay until he is better off, meaning until he has overcome the crisis. It is more meritorious to give alms in such circumstances, meaning one foregoes the repayment of all or part of the debt. The following verse warns of the day of Judgement, when man will be held accountable for his deeds.

Verses 282 and 283 deal with the contracting of debts. Verse 282 prescribes that someone who gets into debt, meaning he takes out a loan and declares that he will pay off the debt by a certain date (*idhā

tadāyantum bi-daynin ilā ajalin musamman), must have the debt documented by a scribe in the presence of witnesses in order to avoid any doubts and disputes. Verse 283 limits this: if there is no possibility of writing a promissory note, then the creditor should take pledges from the debtor. But if they trust each other, then there is no need for promissory notes and pledges, and the one who was entrusted with the loan merely has to pay back what he was entrusted with, i.e., the debt, to the creditor.[95]

These verses deal with *ribā*. I have avoided translating this word because it seems to me that its meaning will become clear only from the context. The meaning of this word, which verse 275 states people consider to be a kind of sale, is not immediately evident. Literally, it means "increase", "raising", or "addition". If one inserts this into verse 275 instead of *ribā*, then the translation is: "God made selling permissible, but prohibited increase" (*aḥalla llāhu l-bayʿa wa-ḥarrama l-ribā*). In connection to selling, one might initially think that *ribā* means "gain" or "profit", which it can indeed mean in classical Muslim legal works. From the following verses, however, it becomes apparent that *ribā* must refer to a transaction between two people that yields profit for one party at the expense of the other, but that it must be distinguished from a sale with profit. The differentiation between capital (*ruʾūs amwāl*) and *ribā*, the call for the release of outstanding *ribā* and the possible deferral of the repayment of capital leave no doubt that at issue are credits and the interest connected to them.

The contrasting of *ribā* and alms, the reference to a possible inability to repay, connected with the recommendation to extend the loan or even to renunciate repayment altogether also make it clear that the prohibition of *ribā* in Sūrat al-Baqara is about interest on debt, which caused suffering to the less well-off in particular. The prohibition aims to avoid their plight, for example failure in trading, being exploited by the wealthy for their own enrichment. This is why *ribā* is indirectly described as injustice (*ẓulm*) in verse 279. The connection to the issue of need is also suggested by the block of verses that precede the *ribā*-verses (261–274) and that deal with the issues of donations and alms for the needy. The taking out of loans, the contracting of debts as such, however, is not prohibited, as verses 282 and 283 testify.

[95] For this interpretation of verse 283 see *Tafsīr al-Jalālayn*, ad loc.

Thus, one may infer from the second Sūra that the practice allowing interest to be charged on loans preceded the revelation of these verses. Furthermore, it becomes apparent that creditors did not extend their loans in the case of insolvency or did extend the loans only for an exorbitant extra charge that finally would drive the debtor into sure insolvency. It is unclear, however, what effects insolvency had on the debtor. The consequences must have been so grave that a revelation was necessary to solve this social problem. How grave the problem was and what type of interest was at issue can be deduced from the further context of the Qurʾān.

In verse 130 of the third Sūra the prohibition of *ribā* is formulated as follows: "*lā taʾkulū l-ribā aḍʿāfan muḍāʿafatan* (do not consume *ribā* in multiplied form)." This verse is closely related to verses 2:275–278. This can be deduced not only from its terminology, for example, the expression "consume *ribā*", but also from the combination of the prohibition with a call for piety and, finally, from its context (the following verses 130–136 deal with generosity). It is obvious that both passages do not refer to different facts, such as different forms of *ribā*, but to one and the same thing. The information of Sūra 3:130 can thus be applied to further specify the concept *ribā* in the Qurʾān. *Ribā*, then, does *not* mean any interest on loans that one was unable to repay in time, as might be inferred from the second Sūra, but interest that multiplied upon expiry of the loan period, in other words: usurious interest.[96] Such a practice meant that someone who found himself in an emergency where he was unable to repay his loan, had to sink further and further into debt with his creditors. *Ribā* is thus correctly translated by *usurious interest*, and it is this that is prohibited in the Qurʾān.

What this practice of incurring debts and of usurious interest looked like according to early traditions can be gathered from Ṭabarī's commentary on Qurʾān 2:275–280 and 3:130. According to the Meccan scholars, Mujāhid and ʿAṭāʾ ibn Abī Rabāḥ, as well as the Baṣran scholar Qatāda (all three of whom died at the beginning of the second century), the practice of *ribā* in pre-Islamic times, meaning up until its prohibition by the Qurʾān, consisted of an increase in the amount of

[96] In the German language usury is called *Wucher*. The respective verb is *wuchern*, meaning to grow rampantly. *Wucher* is a perfect translation of what the Arabic word *ribā* means in the Qurʾān.

debt if the loan could not be repaid on time and if the creditor granted the debtor an extension of the loan period. This might have been basic loans of money or the sale of goods on credit.[97] The loan as such was thus interest-free until the loan period was over.

A tradition that is traced back to the Companion of the Prophet, Zayd ibn Thābit, describes the customary manner of dealing with debts in pre-Islamic times in more detail: If someone had a debt, and the term of the loan expired, the creditor went to the debtor and demanded repayment. If he paid, then the matter was finished. If, however, the debtor was unable to pay, then the creditor would offer the debtor an increase in the outstanding loan or value of the goods in exchange for a deferral of the repayment. In the case of money, the amount would double if an extension of the loan period by one year was granted. Repeated extension would double the amount again, so that after two years the original debt was quadrupled, etc.[98] There is no possibility of proving whether these statements are historically true. However, they do fit with the conclusions drawn above from the Qurʾān itself.

One may ask how many times a creditor would have been willing to grant an extension: perhaps once or twice. Then he would have taken steps to obtain his money and the "interest" incurred. The creditor must have had options to obtain his money. This is inherent in the procedure of contracting debts. It does not make sense to presume

[97] Ṭabarī, *Jāmiʿ*, 6:8; 7:204. ʿAṭāʾ (ibidem, 7:204), Ibn Jurayj and Suddī (ibidem, 6:22, 23) mention debts among members of the Meccan Quraysh and members of the tribe Thaqīf, which was located in the city of Ṭāʾif, as the direct motive for the revelation of the *ribā*-verses of the second Sūra. In some reports, specific persons are mentioned: Muḥammad's uncle ʿAbbās and his partner, a man of the Meccan clan al-Mughīra, and Masʿūd, ʿAbd Yālayl, Ḥabīb and Rabīʿa of the Banū ʿAmr ibn ʿUmayr (Thaqīf). According to Ibn Jurayj, who apparently drew his information from several sources, among them ʿIkrima, the Banū l-Mughīra were the ones who owed debts with *ribā* to the Thaqīf. According to ʿAṭāʾ and Suddī, however, the Thaqīf were the ones who owed debts to the Banū l-Mughīra (and ʿAbbās). This litigation allegedly occurred after the conquest of Mecca. In several traditions verses 2:278–281 are considered to be the very last revelations of the Qurʾān (ibidem, 6:37–39). This, however, does not mean that the taking of *ribā* had not already been prohibited. Verses 3:130 and 2:275–277 were probably revelations that chronologically precede the end of Sūrat al-Baqara, where the *ribā* prohibition is tightened. The same applies to verses 4:160–161, where it says that *ribā* was already prohibited for the Jews, although they did not obey the prohibition. R. Bell, *The Qurʾān*, I, 43–44 dates the third Sūra to the years 2–3 A.H. However, he considers verse 130 (according to his count, 125) to be a later addition that is not from the time immediately after the battle of Uḥud (3 A.H.). Qurʾān 2:275 (according to his count, 276) is, according to him, "fairly early Medinan; altered later" (ibidem, 40).

[98] Ṭabarī, *Jāmiʿ*, 7:204–205.

that an extension of the loan period was granted with a huge increase of the loan if there was no possibility of collecting the debt. What options did the creditor have? First, one would assume, the forfeiting of assets. Whatever belongings the debtor still possessed could be confiscated by the creditor. Thus, the debtor was driven completely into debt. But what if the forfeiting of assets was insufficient to satisfy the creditor, as is frequently the case with insolvency? Is it likely that the creditor would then abandon his claim?[99] Verse 280 of the second Sūra, which urges (but does not order!) Muslims to grant an extension in cases of insolvency, and which stresses how spiritually rewarding it is to forego repayment, leads one to suspect that granting an extension without a surcharge, or foregoing the repayment of debt was not common.

Therefore it has to be presumed that creditors in the Ḥijāz of pre-Islamic times had the option of obtaining their money through personal execution.[100] Two possibilities are likely: 1) The debtor could be forced to offer either himself, his children, or his wife to the creditor to dissolve the debt or to work it off (debt-servitude). 2) The more radical method would have been to sell the debtor and/or his wife and children into slavery. The conclusion that Qurʾān 2:280 is aimed against personal execution is incidentally also reached by Ṭabarī in his summary of the first part of the verse. He writes: "If his [the debtor's] capital is unavailable, then he [the creditor] has no right to the person (of the debtor) in such a way that he takes [him] into custody or sells him (*idhā ʿudima māluhu fa-lā sabīla lahu ʿalā raqabatihi bi-ḥabsin wa-lā bayʿ*)."[101]

There are vague hints of the possibility of selling children in ancient Arabic poetry,[102] and there is evidence for the pawning of women.[103]

[99] The drastic depiction of the consequences of the loan system in Mecca that H. Lammens wrote in *La Mecque à la veille de l'hégire*, 139–153 is still worth reading.

[100] Personal execution is a historical legal term (in German *Personalvollstreckung* or *Personalexekution*) that refers to a legal institution of the Middle Ages. A judge could hand a debtor, who was unable to repay his debt, over to his creditors so that they could make use of the debtor's person or skills, e.g., as serf or servant. See for the definition Schneider, 281, note 9 and the literature quoted there.

[101] Ṭabarī, *Jāmiʿ*, 6:34. I have deliberately translated the word *ḥabs* generically here. It includes several possibilities of limiting the freedom of movement of persons (animals and things). Imprisonment is one possibility of interpretation (although anachronistic for the time of the Prophet), arrest for the purpose of forced labor for a limited time in order to work off the debts is another. See also below note 126.

[102] See the evidence by Schneider, 161, note 262.

[103] See Lammens, *La Mecque à la veille de l'hégire*, 141, note 1 (see also Schneider, 161, note 261).

One example of a debtor who handed himself over to his creditor and worked off his debt in his service is transmitted from pre-Islamic Mecca. It is the story of al-ʿĀṣ ibn Hishām ibn Mughīra from the clan of Makhzūm, who became deeply indebted to Muḥammad's uncle Abū Lahab; since he was insolvent, he had to offer Abū Lahab his services in order to work off his debt. The various versions of the story have already been analysed by Franz Rosenthal. Schneider summarises his results (pp. 159–161) and comments that Rosenthal's dating of the gambling motif and the enslaving are not convincing, since the long versions that contain these motifs go back at least to Abū ʿUbayda (d. 209/824–5) and Ibn al-Kalbī (d. 204/819–20). She is satisfied with this slight correction, "a little older than Rosenthal [...] estimated".

However, if Schneider's conclusion is correct – and I think it is – then it follows that the long versions are older than the short version by Ibn Saʿd, and at least as old as the short version by Wāqidī. Since, furthermore, the long versions are found in the works of *two* different authors (collectors) of the second half of the second century (Abū ʿUbayda and Ibn al-Kalbī), they probably go back to an earlier source that must be part of the generation of Ibn Isḥāq. This in turn means that Ibn Isḥāq's short version existed next to one or more long ones, and that his short version is only an abbreviation of long versions. This is supported by the introduction to his Badr story, where he states that he composed it from several sources, which ultimately all go back to ʿUrwa ibn al-Zubayr and Ibn ʿAbbās.[104] Thus, we can presume that the original versions of the story were more detailed than the oldest sources (Ibn Isḥāq, Wāqidī) would have us believe. Then it seems obvious to presume that the more elaborate versions that survived in the later sources are not later inventions, but rather that they go back to such earlier, more elaborate versions.

The long versions of the story imply that the cause of al-ʿĀṣ's debt was due to bad luck in gambling, where he first lost his entire fortune and then his freedom to Abū Lahab (see the texts in Schneider' book on pp. 381, 382). Even if, from a purely legalistic viewpoint, the relationship is understood as an obvious slave relationship, it is still more akin to debt-servitude, since al-ʿĀṣ had to work off his debts in the service of Abū Lahab initially as either a camel-herder or as a blacksmith, and then in the form of military service. After completion of the latter he was promised his freedom, which, however, he did not

[104] Ibn Hishām, *Sīra*, 428.

regain, as he died during the battle of Badr. This supports the argument that the service for debts (and thus the slave-relationship) was limited in time.

Recent studies of *sīra* and *maghāzī*- traditions have shown that some of these detailed stories do not only date back to the generation immediately preceding Ibn Isḥāq, but that they reach far back into the first century, and possibly contain a historical core.[105] If the al-ʿĀṣ story was fabricated in the first quarter of the second century A.H., one may ask who invented it and for what purpose? It seems more plausible to assume that the story of al-ʿĀṣ contains a historical core that includes al-ʿĀṣ' gambling-debts, his working-off of debts in the service of Abū Lahab, and his participation in the battle against Medina in Abū Lahab's place. Furthermore, the story matches the hypothetical conclusions that I reached from an analysis of the Qurʾān and the exegetic tradition regarding the practice of dealing with debts in pre-Islamic times. A direct connection to the *ribā*-verses of the Qurʾān is not apparent, and it is not mentioned in this context by Muslim scholars. It is therefore unlikely that the story of al-ʿĀṣ and Abū Lahab was "spun" from the Qurʾān. It can thus be considered as independent evidence of the possibility of debt-slavery in pre-Islamic Mecca. Even though al-ʿAṣ' enslavement was not the result of indebtedness due to a loan, one may presume that this method of satisfying creditors was not only limited to gambling debts. There is a parallel between the reports about al-ʿĀṣ and the Surraq *ḥadīth* in that, in the latter story, the Prophet handed Surraq over to the creditor as a slave. This becomes clear from the later release of Surraq by the creditor. Even though the Prophet gave the creditor his permission or recommendation to sell Surraq, the creditor could probably just as well have kept him and put him to work in his service. Why the Prophet brought the sale into play at all is a question that I will deal with in a moment.

As we have seen, the Qurʾān on the one hand, and the *tafsīr* and *maghāzī* traditions on the other hand contain enough indications that personal execution was known in the form of debt-slavery in the cities of pre-Islamic Ḥijāz up to the revelation of Qurʾān 2:280. It was partly more like debt-servitude, as this was known all over the Near East and the Mediterranean. Strictly speaking, this is not very surprising in

[105] Compare Schoeler, *Charakter und Authentie der muslimischen Überlieferung über das Leben Mohammeds*, chapter 3. Motzki, "The Murder of Ibn Abī l-Ḥuqayq," passim.

view of the well-known fact that Arabs could become slaves of Arabs in pre-Islamic times and also at the time of the Prophet. The personal execution described in the Surraq *ḥadīth* in the form of enslavement was, therefore, definitely a realistic possibility for dealing with debtors in the Ḥijāz, also at the time of Muḥammad. Schneider's thesis, based on Qurʾān 2:280 and the Constitution of Medina, that "a judgement of the Prophet that contains debt-slavery *could definitely not have been passed in Medina*" (p. 132, my emphasis) is therefore not valid.

The method of dealing with debtors that was recommended in the revelation of Qurʾān 2:280, that is, to prolong debts or to cancel them in part or even completely, obviously meant a revolutionary renunciation of the approach that had prevailed up to this point, which had favoured solely the creditors and had no understanding for the debtor's predicament. This new view of the creditor-debtor relationship is consistent with the distinctly charitable tone of the qurʾānic revelation. It should not be forgotten, however, that the remission of debts in verse 280 is only an ethical appeal directed at Muslims, not a binding commandment. It was not yet clear after this revelation how the creditor-debtor relationship was to be regulated in *practice*. What was to happen if a creditor was not willing to forego repayment of the amount owed to him, or did not do so because he was as badly off as the debtor? How could a creditor who had extended repayment of a debt get his money back if the debtor was better off but showed no inclination to repay? How and when was debtor's solvency to be determined, and how could the creditor in such a case have his claim fulfilled? All this was still unresolved after the revelation of 2:280.

The Prophet's Approach to Personal Execution

Did at least the Prophet already act according to the new qurʾānic appeal? According to the traditions ascribed to ʿUmar and Ibn ʿAbbās that Ṭabarī lists in his commentary, "the verse about the *ribā*", meaning verse 280, was the last revelation of the Qurʾān, the Prophet announcing it only shortly before his death. It is due to this fact that – according to these reports – there is such uncertainty about the legal consequences of this verse, because the Prophet did not have enough time to elaborate on the verse.[106] However, the late revelation of the

[106] Ṭabarī, *Jāmiʿ*, 6:37–39.

verse about the spiritual merit of debt-remission does not necessarily mean that the Prophet slavishly adhered to the customary treatment of creditors *before* that time, as for example Ṭaḥāwī presumes.[107] It is quite possible that Muḥammad was already thinking and acting in the direction of the verse before the revelation of Qurʾān 2:280.

This, at least, is reported in two traditions that survived in several variants, among others in the six so-called canonical collections. One *ḥadīth* reports about an anonymous case that was allegedly transmitted by Abū Saʿīd al-Khudrī, and the other deals with the debts of the Prophet's companion Muʿādh ibn Jabal. In both cases the Prophet asks the creditors to remit the debts and forbids personal execution to those creditors who refuse remission. In the report on Muʿādh ibn Jabal's debts, the Prophet also tries to partially satisfy the creditors out of Muʿādh's fortune. Schneider mentions both of these traditions (pp. 129–131), but (without performing an in-depth analysis) considers them unhistoric and dates them to the time after Zuhrī, therefore, at the earliest, to the second quarter of the second century A.H. In the first case, this judgement is based on the complete *isnād* with a late common link (Layth ibn Saʿd),[108] and in the case of Muʿādh on an 'argument from silence'. These conclusions are unacceptable. It would be desirable to subject these two *aḥādīth* to an in-depth *isnād-cum-matn* analysis; this, however, would extend beyond the boundaries of this article. For now, the *possibility* that the Prophet had already rejected personal execution before the revelation of Qurʾān 2:280 must suffice.[109]

This gives rise to the question that I posed in the introduction to the discussion of the Qurʾān verses[110] but that I have left unanswered so

[107] Ṭaḥāwī, *Sharḥ*, 5:133–139. See above pp. 176–177.

[108] It is remarkable that Layth transmits a tradition from the Prophet that is contrary to his own legal opinion.

[109] Whether the so-called Constitution of Medina truly contained a passage about debtors is doubtful according to Schneider, 132, note 173). See now for the text and its translation M. Lecker, *The "Constitution of Medina". Muḥammad's First Legal Document*, pp. 106–110. According to Lecker the clause in question "relates to offenders burdened by blood money that was to be paid from their own property..." "The Muʾminūn are obliged to help such offenders." "...the risk of being sold into slavery after causing a relatively minor injury was not a theoretical one." (Lecker, *The "Constitution of Medina"*, p. 110). The idea of helping a debtor and saving him from personal execution seems, therefore, to be already present in the "Constitution of Medina".

[110] See above p. 178.

far. Is the approach to debts in Qurʾān 2:280 and a corresponding approach taken by the Prophet to personal execution preceding this revelation incompatible with the Surraq *ḥadīth*? As previously mentioned, some Muslim scholars indeed considered this *ḥadīth* to be incompatible with the Qurʾān and other *aḥādīth*, and they attempted to explain this incompatibility by presuming that the Prophet changed his stance in this regard. To put it in the terminology of these scholars: the revelation of Qurʾān 2:280 abrogated his previous *sunna*, i.e., his conduct described in the Surraq *ḥadīth*. Schneider thinks along the same lines. Her 50 page chapter on the Surraq *ḥadīth* focuses on the theme of Surraq's indebtedness and the resulting personal execution by offering him for sale, meaning debt-slavery. The two summaries (pp. 120–121 and 131–133) also only deal with this issue. She is convinced that the Surraq *ḥadīth* is incompatible with the law of obligations that was generally practised in Medina at the time of the Prophet. She even excludes the possibility that the Prophet may have changed his view on the issue. "If it [verse 280] had already been revealed at the time of Surraq's offence, then the decision of the Prophet would be inconceivable" (p. 84). Schneider deduces from this that the *ḥadīth* had to be fictitious, and therefore could not contain an historical core. This conclusion, however, becomes invalid if Qurʾān 2:280 was one of the last of Muḥammad's revelations.

However, is the interpretation that some Muslim scholars and Schneider offer of the Surraq *ḥadīth* not one-sided? Is it not a special case of indebtedness that is described in the story about Surraq? In her analysis of this *ḥadīth*, Schneider may not have completely overlooked the peculiarity of the case,[111] yet she nevertheless suppressed it. In the Surraq *ḥadīth*, there is no mention that someone was finally unable to repay a loan due to unfavourable circumstances, which is the background to Qurʾān 2:280; the story deals principally with a case of fraud. Surraq bought camels, promised to get the money, disappeared, sold the camels and spent the proceeds. That this cannot be considered as a regular case of indebtedness can be seen in the conclusion that the Prophet draws from this case. He says to the defendant after the latter admitted his insolvency: "You are an arch-rogue (*anta surraq*)!"[112] The

[111] In her summary Schneider mentions (p. 120) that Surraq probably represents the "personification of the statutory offence 'theft' or 'embezzlement'".

[112] Compare Schneider's comments (p. 77) to the intensive form of the root *s-r-q* (to steal), which is not covered in the classical dictionaries. In the Middle Arabic of the

entire story in the form that Surraq told it is arranged according to this fact and its consequences (aetiology of the name). From this point on, the Prophet's designation of him as an arch-rogue stuck to him in the form of a *laqab*, and – for the purpose of the story, it has to be added – Surraq was cured once and for all of such improper behaviour by the Prophet's strict judgement.

The judgement is thus not truly in opposition to Qurʾān 2:280 and to the *aḥādīth*, mentioned earlier, in which the Prophet denies personal execution to creditors, since neither the Qurʾān nor the *aḥādīth* in question deal with debts that were caused by fraud. If the Surraq story does have an historical core, and if it basically took place as reported, which, as we have seen, is probable, then Muḥammad was faced with the following question when the defrauded creditor and the fraudulent debtor appeared before him: How to pass judgement in this specific case of indebtedness? Was it theft, indebtedness, or a special case? Obviously, it was not an ordinary case of indebtedness, since the debts were incurred through fraud, nor was it a case of theft, where someone secretly steals something.

According to the story, the Prophet decided to treat it as a case of theft, and as a grave case, too. One would have expected him to apply the punishment that Qurʾān 5:38 stipulates for theft: "The thieves, male and female, cut off their hands as retribution for that which they have committed (obtained), as a warning example from God… (*wa-l-sāriqu wa-l-sāriqatu fa-qtaʿū aydiyahumā jazāʾan bi-mā kasabā nakālan mina llāh*…)." However, this is not the only punishment conceivable in this situation. First of all, it is not clear whether the case of Surraq occurred before or after the revelation of Qurʾān 5:38. Bell dates verses 38–40 to the middle of the Medinan period,[113] which can also only be considered a rough estimate. But even if the case took place *after* the revelation of Qurʾān 5:38–40, the term *surraq* still does not inevitably lead to the conclusion that the punishment for theft was also applicable in this case. The designation as 'arch-rogue' could have been used in the figurative sense, since a technical term for the case of fraudulent bankruptcy did not exist. The Prophet could have seen a difference between theft and fraud despite this designation.[114]

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stories of *A Thousand and One Nights* the term *abū surrāq* (Father of Thieves) would probably have been used.

[113] R. Bell, *The Qurʾān*, I, 99 (according to his count these are verses 42–44).

[114] The works of classical Islamic jurisprudence also generally mention a case like

If the qurʾānic punishment did not seem appropriate to him, was it then fair to let the malefactor go unpunished and to burden the creditor with the damage? The solution that the Prophet devised in the story actually seems obvious. The creditor received his money from the sale of the debtor, and the malefactor was punished by the loss of his freedom. The story raises the supposition that the Prophet might have wanted to teach the young man a lesson with this punishment; not "divine punishment" (*nakāl mina llāh*), but a human lesson. This brings us back to the happy ending of the story.

The Prophet put the fraudulent debtor into the hands of the creditor with the order to sell him and thereby cover his losses. The creditor did as he was told and some interested buyers appeared. During the dealings, the interested buyers indicated to the seller that they wanted to buy Surraq in order to set him free.[115] Thus the creditor set Surraq free in order to obtain God's reward.[116]

Schneider did not have much use for the motif of the manumission. She seems only interested in the different arrangements of this element of the stories, and considers it to be a late addition to the original story because of these differences. She does not consider this "addition" to be logical either, since it contains a virtual abrogation of the Prophet's judgement; one could "understand it to be a hidden criticism of the Prophet" (p. 92). Our analysis of the Surraq *ḥadīth*, in contrast, has made it clear that this element is not only part of the original content of the stories, but is part of its historical core, since it is found not only in Ibn Lahīʿa's version, but also in Zayd ibn Aslam's.

Once one has recognised that the manumission in the stories about Surraq is genuine, completely new perspectives open up with regard to the interpretation of the Prophet's judgement: It seems that the Prophet himself was behind the manumission, as if he had a hidden agenda in ordering Surraq to be sold, not simply to punish the malefactor

this not under the topic of insolvency (*iflās*), but rather in connection to theft (*sariqa*); nevertheless, the majority of scholars reject the qurʾānic punishment for theft in the case of fraudulent bankruptcy or similar offences (*khiyāna, khulsa*). See Ibn Rushd, *Bidāyat*, 2:445.

[115] This detail belongs to the original content of Zayd's version, since it is found in the variants by the sons of Zayd and by ʿAbd al-Ṣamad. It must be original, because otherwise the manumission by the creditor would be unmotivated.

[116] The divine reward or the manumission "for God" also belongs to the original content of Zayd's version. This detail is contained in Zanjī's and ʿAbd al-Ṣamad's variants.

and do justice to the victim. This hidden agenda could have been to teach both parties a lesson, not only the malefactor, but also the deceived creditor. If one assumes that the Prophet, as a matter of principal, expected creditors to forego personal execution, and if necessary even the repayment of the debt, as Qurʾān 2:280 recommends, then it also makes sense to assume that he expected this from the creditor in this case as well. On the other hand, it is possible that the Prophet could not or did not want to force the creditor to waive his right on compensation for the fraud.

The stories themselves indicate that this was the case and they suggest that the narrators themselves saw the Prophet's judgement in this light. In the Egyptian version that is told from the perspective of the creditor, he is described as someone who was able to recite Sūrat al-Baqara, which most certainly hints at verse 280 of this Sūra. This may be anachronistic, but it allows the narrator's ideas to be recognised. Furthermore, it is specifically the Companions of the Prophet (or one Companion only) who appear as the prospective buyers in the Egyptian version, which could hint at a secret agreement with the Prophet. In Zayd's version, which lacks both of these details, the divine reward mentioned as a motive for the manumission refers indirectly to Qurʾān 2:280. The stories thus have a double happy end: Surraq has been punished by a short and humiliating time in slavery and the associated fear for the future, and now he is free; the creditor foregoes his legal claim, following God's anticipated recommendation, thereby earning the spiritual reward for his own salvation. It is possible to comprehend what the narrators want to express if one immerses oneself in the stories, catching the building blocks that the narrators throw to their listeners in the form of insinuations, and if, with a little imagination, one combines it all into a meaningful whole. In such texts the aims of the narrators are often found between the lines. The deeper meaning is lost if one only looks for breaks and logical inconsistencies.

The stories therefore do not contradict the new approach towards debtors as propagated by the Qurʾān, as Schneider thinks, but are rather a plea *in its support*. The Prophet is thus seen as a wise judge, who passed a far-sighted judgement in which he punished the debtor, planned the further development of the case, and perhaps even foresaw the happy end, the 'conversion' of the creditor. Seen thus, the Surraq *ḥadīth* is compatible both with the pre-Islamic law of obligations of the Ḥijāz (personal execution in case of insolvency), and with the qurʾānic view of this law (that it should be abolished). It marks the

transition from one to the other viewpoint. It seems to me that the later Muslim scholars who only saw evidence of a practice of dealing with debtors that was abrogated by Qurʾān 2:280 in this *ḥadīth*, did not understand this either.

The result of the previous reflections on the content of the *ḥadīth* text and on the question of whether it is possible that the Prophet passed such a judgement is clear: It is possible, and it matches the pre-Islamic practice of dealing with debtors, as can be inferred from the Qurʾān and the *tafsīr* for Mecca and Medina. However, it also matches the new concern with the socially disadvantaged in general and debtors in particular, which is characteristic of Muḥammad's revelation and which culminates in the call in Qurʾān 2:280 for the granting of extensions for insolvent debtors and even the partial or total cancellation of debts in case of distress. The analysis of the *ḥadīth*'s content confirms the result of our *isnād-cum-matn* analysis. It is thus quite likely that the Surraq *ḥadīth* is a very old tradition about the Prophet that goes back to eyewitnesses and that has an historical core. This historical core consists of the correspondences that exist between Surraq's and the creditor's versions. Presumably there are not many *aḥādīth* of the Prophet where such a result can be achieved with historical-critical methods. However, the authenticity of details in the various versions of the story remains uncertain, that is, whether it all happened exactly as Surraq and the creditor later said. It was possible to trace the textual development of the transmissions with the aid of the variants. It is no longer possible to ascertain *how* detailed the original versions were; that they *were* detailed, however, is certain.

"Surraq Once More"

Under this heading Schneider returns to the Surraq *ḥadīth* at the end of the chapter on types of pre-Islamic loss of freedom, 200 pages after the discussion of the Surraq *ḥadīth*. She states that for this case "no parallel could be found in the law of obligations of antiquity" (p. 340). Debt-slavery did not exist anymore. However, the author is certain that this *ḥadīth* must have its roots in some kind of non-Arab legal practice. This leads her to the idea that the "later Arab jurists" must have erroneously connected the Surraq *ḥadīth* with the law of obligations, where it does not even belong (ibid.). "If the Surraq story was not about the law of obligations," Schneider ponders, "what was it about?" The answer is: "Specifically this case is, according to modern

law, about the embezzlement of an outside, mobile object, or rather, fraud" (p. 341). She could already have known this from the beginning. The story itself is clear in this respect, and the name Surraq that she declares to be a personification of the offence 'theft' or 'embezzlement' (p. 120) indicates this. Nevertheless Schneider completely fades this aspect out of her analysis of the *ḥadīth* and her conclusions, seeing the tradition merely as evidence of the law of obligations. When, at the end of her book, she suddenly comes to the realisation that this *ḥadīth* has no relation to the law of obligations, the reader justifiably feels as if he has been led up the garden path.

Schneider then points out that the Pentateuch (Exodus 22:2) contains a passage on the theft of livestock that has obvious parallels to the Surraq story. The Pentateuch states that "someone who steals and slaughters or sells a cow or a sheep" must repay five oxen for each ox, and four sheep for each sheep (Exodus 21:37). "If he cannot do so, then he shall be sold to reimburse his theft" (Exodus 22:2). The author concludes from the similarities between the *ḥadīth* and the passage of the Pentateuch that "the Surraq *ḥadīth* [...] may be based on the Jewish punishment for theft" (p. 344). Since, in her opinion, the *ḥadīth* originated in Egypt, one could look for "the beginnings of the Surraq story in the Jewish background of Alexandria" (ibid.), from whence it "wandered to Medina with new Muslims of originally Jewish faith [...]" (p. 345). The intention of the story could possibly have been "to introduce into Islamic law a penalty known from Jewish law for this form of theft [...]" (p. 346). As Schneider admits, this is all speculation. Except for parallels in the content, there are no indications for this. All of these speculations, however, become pointless since – as shown – the Surraq *ḥadīth* reports a case that took place in Medina at the time of the Prophet and not in Egypt. Alexandria, by the way, is a late detail that is only found in the version by ʿAbd al-Ṣamad and cannot be considered as part of the original inventory. Some other alleged parallels turn out to be inaccurate upon a precise comparison with the early versions of the story, especially the *theft* of livestock which has no real parallel since the Surraq *ḥadīth* is not about common theft, but about fraud.

III. Debt-Servitude in Early Islamic Jurisprudence

The analysis of the Surraq *ḥadīth* that Schneider presents in her book leads to untenable results due to methodological weaknesses and

unacknowledged prejudices. The presumption that the enslavement of a debtor, for whatever reason, is inconceivable in the Ḥijāz at the time of the Prophet because of Qurʾān 2:280 and the fact that enslavement in pre-Islamic Central-Arabia cannot easily be proven, which may be due to the scarcity of the sources, lead her to search for the origin of the *ḥadīth* outside the Arabian Peninsula. Her tendency to declare the Ḥijāz as an area where only the forfeiting of assets was applied to debtors, and locating all cases of personal execution to the area of former Roman provincial and Sassanian laws, can also be ascertained from her treatment of the traditions that allegedly go back to Muslim legal scholars of the first and second Islamic centuries. Here as well this prejudice affects the results of the analysis. This shall be demonstrated with an example that, like the Surraq *ḥadīth*, was considered a unique and strange case by later Muslim scholars.

At issue is the letter that caliph ʿUmar ibn ʿAbd al-ʿAzīz (99–101/717–720) allegedly wrote to ʿIyāḍ ibn ʿUbayd Allāh al-Azdī, who was *qāḍī* in Egypt between 93/711–2 and 100/718–9. In this letter the caliph responds to two cases of indebtedness that the judge had presented to him for judgement. Both cases are about slave-dealers who became indebted either through the death of a slave or through miscalculation. The creditors took the debtors to the judge and demanded (in one of the cases at least) that the debtor "be sold to them" (*an yubāʿa lahum*). Apparently the judge was unsure whether he could allow this. Even though he surrendered the debtors to their creditors, he made their further fate dependent on the caliph's judgement. ʿUmar ibn ʿAbd al-ʿAzīz then decreed in his letter that they had to work off their debts in the creditors' service. The latter were not allowed to sell them and had to treat them well. The text of this letter, which is transmitted in al-Kindī's *Kitāb al-Qudāh*,[117] can aid in shedding further light on the question of the roots of personal execution in early Islamic law (I deliberately avoid writing jurisprudence here, since this developed in another direction). Let us begin by examining the expression *an yubāʿa lahum*. It is found in other texts as well, for example the transmission complex of the *ḥadīth* about the indebtedness of Muʿādh ibn Jabal.[118] Schneider generally translates the expression *bāʿa li* as "to sell to someone's advantage, or, to sell to someone" (pp. 130, 377).

[117] Kindī, *Kitāb al-Wulāh wa-kitāb al-qudāh*, 336–337. Schneider's translation of the text is on p. 377.
[118] See above p. 188.

However, it makes little sense to suppose that the creditors would have demanded from the *qāḍī*, ʿIyāḍ, that he "sell" the debtor to them (p. 377). Had the judge sold the debtor directly to the creditors, they would have had to pay additional money, and the question arises as to who would have benefitted from this. The translation "to sell to the advantage of the creditors" (ibid.) would mean that the creditors would have demanded that the *qāḍī* sell the debtor to a third party or let him be sold, and then hand the profit over to them to cover the debt. This can hardly be the meaning, since the judge surrendered the debtor, albeit conditionally, to the creditors themselves.

The use of the word *bāʿa* in the Surraq *ḥadīth* takes us further. In the original version by Zayd ibn Aslam the Prophet says to the victim "*idhhab fa-biʿhu*"; in the tradition of Ibn Lahīʿa he says "*biʿ* Surraq"; in the version by ʿAbd al-Ṣamad it says "[the Prophet] *bāʿanī*". Schneider translates: "take him and sell him!", "sell Surraq!", "the Prophet ordered me sold" (pp. 362, 363, 364). In all long versions, however, it is clear that in his sentence the Prophet surrendered Surraq to the injured party *as a slave* whom he could or should sell. This follows from the fact that in all versions (including Ibn Lahīʿa's)[119] the wronged creditor frees Surraq. Thus, the correct translation of *bāʿanī* must be: he surrendered me [to the creditor], so that he would (or could) sell me. The word *bāʿa* has this figurative meaning in almost all texts that deal with the sale of the debtor.[120] The creditors' demand in the caliph's letter, in the Muʿādh *ḥadīth* and in P7,[121] expressed as *bāʿa li*, does not differ in meaning either. They demand that the judge, or the Prophet, surrender the debtor to them so that they can sell him and thus have their legal claims fulfilled. This demand shows that such action by creditors was common, otherwise they would not have made such a suggestion. This also shows that until the period of the stories, the narrators and transmitters, regardless of their origin, considered debt-slavery as normal in the case of a debtor's insolvency.

[119] This does not become apparent in Schneider's translation (p. 363). She seems to presume – her translation "the Prophet ordered him sold" shows this as well – that the Prophet ordered Surraq to be sold by a third party.

[120] The transmission SY9 (Makḥūl) as well, which does not offer any plausible reason to presume that it is about (*re*)sale (p. 156) (my emphasis); and BA4a (Abū Khalda – Zurāra ibn Awfā).

[121] Thus, the choice of words in P7 is not a "misunderstanding", as Schneider presumes (p. 107). Instead, it correctly relates the intention of Zanjī's story. It is, rather, the author's presumption that it is about the sale to a third party that is a misunderstanding.

Let us return to caliph ʿUmar ibn ʿAbd al-ʿAzīz's letter. Schneider dealt with the transmission of this letter in an unpublished essay, "Schuldknechtschaft und Schulddienstbarkeit im frühen islamischen Recht" (Debt-slavery and debt-servitude in early Islamic law), which she introduced at the international *Ḥadīth*-Colloquium 1991 in Amsterdam. At that time, she concluded that this letter could not go back to the caliph, but that it was credited to him at the end of the second/eighth or the beginning of the third/ninth century. This fiction was allegedly an attempt "to attribute greater authority to the old institution of debt-servitude with the aid of the name of the caliph".[122] Her arguments are based on the comparison of the letter to a transmission that credits a similar legal opinion to the Egyptian scholar, ʿUbayd Allāh ibn Abī Jaʿfar (d. 132/749–50), that is cited by Ibn Ḥazm in his *Muḥallā*.

At the time that Schneider presented her essay I was dealing with the issue of the reliability of transmitted early letters. I therefore examined Schneider's thesis very closely and summarised my conclusions in a second report on the same subject for the colloquium. I argued the following: The arguments that Schneider presents in her paper, namely, that traditions about the caliph's letter and ʿUbayd Allāh's legal opinion are later fictions that have no relation to the persons listed as the authors but are only credited to them, are questionable throughout. It is much more plausible to presume that 1) the content of the letter is authentic and reflects an actual decision by the caliph, 2) that ʿUbayd Allāh followed the decision of the caliph and 3) that the transmitter of both texts, al-Layth ibn Saʿd (d. 175/791–2), adopted this legal tradition as his own opinion. At that time I was convinced that these conclusions did not have to be a hindrance to the author's thesis that this was a continuation of a pre-Islamic legal practice.

In her book Schneider adopts my view on the authenticity of the caliph's letter. She adds further evidence by stating that the caliph is also credited with similar legal opinions by other traditions that go back to ʿAmr ibn Maymūn ibn Mihrān (d. about 147/764–5), who was teaching in Raqqa, and to Makḥūl (d. 118/736), a scholar from Damascus, both of whom were independent of al-Layth ibn Saʿd's Egyptian traditions (pp. 147–155). Schneider also repeats her opinion that "it is an old judgement" or an "old legal or judicial practice" from

[122] In the typescript p. 7.

pre-Islamic Egypt (pp. 138–140). However, after reading her book, I found this latter thesis questionable.

Schneider's main arguments are: 1) the cases of indebtedness that were mentioned in the letter took place in Egypt, 2) "the tradition that goes back to ʿUbayd Allāh could serve as confirmation that debt-servitude was practiced and legally imposed in Egypt at the end of the first century," and 3) "ʿUmar as the son of the Egyptian governor could have come to know debt-servitude in Egypt" (p. 154). Furthermore, Schneider classifies the *qāḍī*, ʿIyāḍ, who was confronted with this case, and ʿUbayd Allāh ibn Abī Jaʿfar as "scholars of Egypt", and ʿUmar ibn ʿAbd al-ʿAzīz as one of the "scholars of Syria". Do these arguments truly support the thesis that the Muslims continued a pre-Islamic Egyptian legal practice here? I shall sift through them in order.

1) It has to be presumed in these cases that only Muslims were involved. In the first/seventh century the majority of the Egyptian population, subjected to the rule of the Arabs, was non-Muslim and belonged to the *ahl al-dhimma*. If members of this group were involved, this would certainly have been mentioned in the letter of the caliph. Thus, the question is whether the Muslim creditors who demanded debt-slavery were Arabs or converted Egyptians. We do not know. However, in this period, the heyday of the wars of conquest, it is more probable that the slave-sellers were Arabs, making it unlikely that the creditors would have followed the legal customs of non-Muslim Egyptians.

2) The tradition about the legal opinion of ʿUbayd Allāh ibn Abī Jaʿfar (d. 132/749–50) is: "He [the judge] must not have him arrested, but must set him [the debtor] free, so that he could work off his debt (*lā yaḥbisuhu wa-lākin yursiluhu yasʿā fī daynihī*)."[123] This ʿUbayd Allāh was one of the three official *muftūn* of Egypt whom ʿUmar ibn ʿAbd al-ʿAzīz appointed during his caliphate to give religious and legal advice (*fatwā*). We know nothing about his origins, only that he was a client (*mawlā*) of the ruling clan of the Umayyads. In most cases this would have meant that he was of non-Arab origin; that he, his father or his grandfather had become a slave of a member of this clan during the Arab conquest of the Middle East but later became a Muslim and was then manumitted. These freedmen and their offspring generally grew up in a Muslim environment in close contact with the family of

[123] For a slightly different translation see Schneider, 378.

their previous owner and his family, who became their patrons, and many of these clients sought social recognition by involving themselves with Islam and the Arabic language. ʿUbayd Allāh's father is only designated with a *kunya* (Abū Jaʿfar). This probably indicates that the client relationship with the clan of the Umayyads began with him[124] and ʿUbayd Allāh must have grown up as a Muslim among Muslims. His appointment as one of Egypt's *muftūn* by the erudite and pious caliph presupposes that he had the religious and legal qualifications for this function. It does not necessarily mean that he was originally from Egypt or had ever seen the country before his appointment. It is known that his colleague in the *muftī* office, Yazīd ibn Abī Ḥabīb (d. 128/745–6), who was also a *mawlā*, was *not* originally from Egypt; Muslims had brought his father back from Dongola as a slave during one of their expeditions.[125] This does not preclude the possibility that his son had already lived in Egypt for some time before his appointment as *muftī*; however, we do not know whether that was indeed the case.

ʿUbayd Allāh's statement about the debtor should probably be viewed as part of a *fatwā* intended for a judge, as Schneider – following my suggestion – presumes. It seems obvious to assume that the *muftī*, appointed by ʿUmar, followed his caliph's judgement as it is written in the letter to the *qāḍī*, ʿIyāḍ. This letter apparently still played a part in the legal theory and practice of Egypt's Muslims after ʿUmar's caliphate. At least, one can conclude this from Layth ibn Saʿd's almost literal transmission half a century later. Schneider, in contrast, is of the opinion "that ʿUbayd Allāh confirms with this *fatwā* the legal practice that is described in ʿUmar's letter (but that does not necessarily go back to ʿUmar)" (p. 139), otherwise one would have expected him to mention ʿUmar (an argument from silence). Therefore, she is of the opinion that the *muftī* here only continued a pre-Islamic practice that was customary in Egypt. While this is possible, it is not likely.

In this context, a further detail of ʿUbayd Allāh's *fatwā* should be examined. Schneider follows Ibn Ḥazm's interpretation of the text, in which he used this tradition as evidence for his opinion that detention for debt should be rejected. However, one wonders whether ʿUbayd

[124] See Motzki, "The Role of non-Arab Converts in the Development of Early Islamic Law," 20.

[125] See R. Guest in his introduction to Kindī's *Kitāb al-Wulāh*, 34.

Allāh's expression *lā yaḥbisuhu* – if this is indeed the original wording, rather than *lā yabīʿuhu* – really meant imprisonment. If one assumes that ʿUbayd Allāh used the caliph's judgement as a point of reference, then it is more likely that he meant that the judge must not let *the creditors* arrest him so that they could do what they liked with him, as if he was a slave.[126] This is also supported by the second part of the *fatwā*, namely, that the judge must *free* him (*yursiluhu*) so that he could work off his debts.

3) It has already become clear from the evidence on ʿUbayd Allāh's background that his activity as *muftī* in Egypt does not necessarily mean that he was of Egyptian origin or that he had knowledge of pre-Islamic Egyptian society and legal practice. The same applies to the *qāḍī*, ʿIyāḍ, an Arab from the tribe of Azd, of whom we only know that he was the judge of the Muslims in Egypt for seven years. In this case, it is even less likely that he had knowledge of the pre-Islamic legal practice of Egypt or that it held any interest for him. He would have oriented himself by the legal practices of the Ḥijāz to arbitrate disputes among the Arabs who had settled in Egypt during the conquests. Caliph ʿUmar ibn ʿAbd al-ʿAzīz himself, whom Schneider counts among the "scholars of Syria", received his education in Medina, where he mostly lived until he took up the office of caliph, even though he grew up in Egypt, where his father was governor (p. 147). It is unlikely that as a child of twelve he was interested in the debt-practices of the non-Muslim Egyptians. It is inappropriate to label him as a Syrian scholar, considering his biography. He was part of the scholarly tradition of Medina.

Upon closer examination Schneider's arguments for her thesis that the judgement of the caliph was based on a pre-Islamic legal tradition turn out to be rather weak. Other than parallel cases she has no concrete indications to support her presumption that Roman, Roman-Provincial, Greco-Egyptian, Jewish or Christian laws were the model

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[126] This is also the meaning of *iḥbishu* in the Abū Hurayra traditions MED 5a–c (pp. 384–385 and 180–181): "Make him [my] prisoner (i.e., slave)!". That this is the intended meaning here is elucidated later in the text by the statement "*lā aḥbisuhu laka*", which can be found in the versions of Wakīʿs *Akhbār al-quḍāt* (pp. 384–385). In this light these transmissions begin to make sense, and Schneider's speculations become pointless. What sense does it make to presume that the creditor demanded the detention of the impecunious debtor? For the interpretation suggested here see also the transmission by Zabīb al-ʿAnbarī in Abū Dāwūd, *Sunan*, 23:21, where, aside from the word *ḥabasa*, the word *asīruka* (*your* prisoner) is used.

for this judgement (p. 304). If the judgement refers to an older legal practice at all, then it would be to that of the Arabs of the Ḥijāz. As was already mentioned in the discussion of the Surraq *ḥadīth*, there are indications that before Islam and also at the time of the Prophet there were types of personal execution which were applied to debtors and which could even extend to debt-slavery. The caliph's judgement should thus be seen in the context of the transition from the pre-Islamic legal practice of the Ḥijāz to an Islamic legal practice that only gradually evolved throughout the first/seventh century. Against this background it is worth having another look at the caliph's letter.

The *qāḍī*, ʿIyāḍ, turned to the caliph because he had reservations about meeting the creditors' demands to surrender the debtor to become their slave. Why would he have had these reservations? It seems obvious to presume that Qurʾān 2:280 played a role. This verse must have caused unease at such forms of personal execution among the pious Muslims of the first century A.H. On the other hand, verse 280, as previously mentioned, is only a moral appeal and not a legal rule. It took almost three centuries for Muslim legal scholars to reach a consensus on this issue (only a few scholars, like Ibn Ḥazm, refused to accept this consensus). Thus, the *qāḍī's* hesitation is only too understandable.

The judgement by caliph ʿUmar ibn ʿAbd al-ʿAzīz has to be appreciated in this context. The caliph rejects the creditors' demand to transfer the debtor to them to become a slave, and forbids the creditors to sell the debtor. However, he also acknowledges the legal claim of the creditors and decides that the debtor must work off his debt to the creditors. In this judgement, one can observe the transition from debt-slavery to debt-servitude that had already occurred before the seventh century A.D. in the pre-Islamic legal systems outside the Arabian Peninsula, as Schneider documents in the third chapter of her book. ʿUmar is not legitimising a pre-Islamic Egyptian legal practice (debt-servitude), but is abolishing a more severe practice (debt-slavery) that existed in the Ḥijāz in pre- and early Islamic times, perhaps alongside milder procedures that were more similar to debt-servitude.[127] What would have motivated the caliph to choose this milder procedure? The most plausible answer is that one sees here how Muḥammad's revelation in general and the revelation of Qurʾān 2:280 in particular, as well as

[127] The story of al-ʿĀṣ ibn Hishām and Abū Lahab at least seems to suggest this.

his own conduct (apart from the special case of Surraq) affected social developments in the Ḥijāz: to turn the consideration of the socially disadvantaged and those in difficulty into a value category that is effective in communal living.

Why then, one may ask, did the caliph not forego the injunction of personal execution altogether? This too can be explained. 1) It has already been mentioned that the (partial) remission of debts that is addressed in Qurʾān 2:280 is not a commandment, but only a recommendation. What is to be done if a creditor does not follow this recommendation or insists on being paid the remainder of a partially forgiven debt? This question is not addressed. 2) It cannot be assumed that the Prophet's decisions in such cases were already widely known in the early days. Besides, the few traditions that circulated in the first century in some circles were partly ambiguous or even contradictory (for example the Surraq and the Muʿādh *ḥadīth*), and might simply have reflected the Prophet's personal attitude, which, befitting a prophet, was characterised by an abundance of mercy. The *sunna* of the Prophet certainly did not contain a magic solution to this problem. The uncertainty in regard to this question is explained by the lack of clear instruction in the Qurʾān and by the Prophet's conduct, which did not yet hold the legal relevance in the first and second Islamic centuries that it was gradually given after Shāfiʿī.

It is striking that among the early Muslims, the proponents of debt-slavery or of the compulsory working-off of debts in the service of the creditor are almost exclusively persons who held positions as judges or who acted as judges in the stories – the Prophet in the case of Surraq, caliph ʿUmar ibn ʿAbd al-ʿAzīz, Abū Hurayra (d. 58/677–8), the Baṣran *qāḍī* Zurāra ibn Awfā (d. 93/711–2), al-Ḥasan al-Baṣrī (d. 117/735), and Sawwār ibn ʿAbd Allāh al-ʿAnbarī (d. 156/772–3).[128] The opponents of such forms of personal execution were mainly from among the "theorists", the legal scholars who developed their opinions largely independently of legal practice, often in purely scholarly environments.[129] This is probably not a coincidence. Judges were far

[128] Or 245/859–60. See above note 7.

[129] Layth ibn Saʿd, who is also mentioned as an early proponent of the compulsory working-off of debts (p. 378), was not a "legal practitioner". He probably oriented himself by caliph ʿUmar ibn ʿAbd al-ʿAzīz's judgment and the *fatwā* of ʿUbayd Allāh. Both texts are transmitted through him. However, it cannot be deduced from his legal opinion that debt-servitude was still a common legal practice in the second half of

more subject to pressure by the creditors and were confronted with the problem that the creditors had contractual rights. It was not easy for a judge to console the creditors with references to the spiritual rewards of debt-extensions and remissions. He had to enforce the law, and in this case the law was clearly on the side of the creditors. The legal scholars who were unfamiliar with the practice of sentencing and in part deliberately stayed away from it, naturally had an easier time stressing the spiritual aspect and strictly rejecting any form of personal execution for moral reasons.

The caliph's judgement thus provides us with the key to the question of why debt-slavery and debt-servitude gradually disappeared from Islamic law and jurisprudence. Schneider's explanation is that "*fiqh* is out of touch with reality", and that it had become detached from the practice of law over time (pp. 356, 358). This is only half the truth. It seems much more significant to me that the ethical ideal of qurʾānic revelation, with its appeal to solidarity and consideration for the debtor in difficulty, was more important to Islamic legal scholars than the legal reality. In their understanding, the law is predominantly what pleases God and helps people in ensuring success in the next world, and not what seems right to human logic. While this surely is an exaggeration that does not do justice to the achievements of Muslim scholars in the field of juridical logic, it is nevertheless an apt description of an irrefutable tendency in the history of Islamic jurisprudence. The Stoic concept of natural law and Christianity may have improved the situation of slaves in the Roman Empire,[130] but it is unlikely that the humane stance of classical Islamic jurisprudence towards slaves and its renouncement of personal execution for debtors would have had direct roots in Stoicism or Christianity. It seems much more likely to me that the message that Muḥammad announced in the first/seventh century in the Ḥijāz and the resulting ideological and social changes were responsible for this.

The starting point for the analysis at hand were doubts about Schneider's thesis that it was exclusively scholars from centres outside

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the second Islamic century in Egypt, as Schneider presumes (p. 144). The decision of a caliph and the opinion of a *muftī* were not binding for later generations of caliphs, governors, judges and *muftūn*. They could, but did not have to, serve as an example. Ibn Ḥanbal, Ibn Rāhwayh, Dāwūd al-Ẓāhirī and Ibn Ḥazm, who should not be classified as "legal practitioners" either, probably accepted personal execution due to their tendency to orient themselves towards traditions.

[130] Schneider, 29.

the Arabian Peninsula who promoted or tolerated loss of freedom.[131] She writes: "No other relevant judgement in Medina could be verified, much less so a discussion of debt-slavery or -servitude that is earlier than Zayd ibn Aslam and Zuhrī" (p. 198). "Debt-slavery and -servitude were […] probably unknown in Medina originally, and were discussed only later, under the influence of other legal centres" (p. 199). My doubts about this thesis were justified when reviewing her arguments. Her attempt to move the origin of the Surraq *ḥadīth*, the main evidence for early Islamic jurisprudence in support of *debt-slavery*, to Egypt did not succeed. Her most important evidence for *debt-servitude*, the judgement by caliph ʿUmar ibn ʿAbd al-ʿAzīz, probably does not have any direct roots in the pre-Islamic legal system of Egypt either. Since the caliph was part of the Medinan legal tradition and his judgement took place around 100/718–9, the author's statement that there was no discussion about debt-slavery and -servitude *before* Zayd ibn Aslam and Zuhrī in Medina is not valid.

Such a discussion also existed in the following period in Medina. Schneider points out that Mālik ibn Anas (d. 179/795–6) stated that a free, insolvent debtor could not be forced to work off his debts (pp. 38–39). Since she presumes that debt-servitude was completely unknown in Medina, it is incomprehensible to her why such a question could even be directed to Mālik. She speculates that the impulse for it came from Egypt (p. 199).[132] However, there is absolutely no need for such speculation. The various traditions about caliph ʿUmar ibn ʿAbd al-ʿAzīz's judgement show that it was known not only in Egypt, but also in Syria and northern Mesopotamia. There is little likelihood that it was unknown in the Ḥijāz. On the contrary, there is evidence that it was known. The Medinan scholar Zuhrī is also among the proponents of working off debt. This fact has eluded Schneider. Ṭaḥāwī mentions it in his *Sharḥ*: "We do not know of any scholar who has gone as far as committing the insolvent debtor to working off his debt (*ijārat al-madīn*) until it is paid off from his wages, with the exception of Ibn Shihāb al-Zuhrī."[133] Ṭaḥāwī here relies on a tradition transmitted from Zuhrī that contains an *isnād* that goes via Layth ibn

[131] See above pp. 126–127.
[132] Schneider here relies on Mālik's *Muwaṭṭaʾ*, without offering any references. Presumably she is referring to the transmission by Mālik in the *Mudawwana* of Saḥnūn that she mentions in her book on pp. 38–39.
[133] Ṭaḥāwī, *Sharḥ*, 5:141.

Saʿd to Zuhrī's well-known student, Yūnus ibn Yazīd al-Aylī. If this transmission is reliable – and there are no indications to the contrary – then it is clear that Zuhrī, one of the central figures in Medinan jurisprudence in the first quarter of the second century, shared the opinion in his letter to his *qāḍī* in Egypt written by ʿUmar ibn ʿAbd al-ʿAzīz, who was a Medinan scholar himself. Maʿmar transmits this statement from Zuhrī: "Free persons must not be sold (*lā yubāʿ al-aḥrār*)" (p. 386). This refers specifically[134] to debt-slavery. The opinion transmitted by Yūnus shows that Zuhrī did not reject all types of personal execution, but that he supported the milder variant of the working off of debt. There is no indication that Zuhrī's opinion was the result of the influence of other legal centres. The most plausible presumption is that he, a judge during the caliphate of Yazīd, ʿUmar ibn ʿAbd al-ʿAzīz's successor, was also inspired by ʿUmar's judgement. Perhaps Zuhrī was even involved in this judgement in an advisory capacity. Against this background the question posed to Mālik about working off debts becomes understandable. In Mālik's time, the discussion of this issue was not yet over. Apparently the rejection of debt-servitude only gradually gained acceptance in Medina throughout the second half of the second Islamic century.

Schneider's presumption that the intellectual centres of the Ḥijāz are an exception with regard to the issues of debt-slavery and -servitude, that they were only familiar with the forfeiting of assets, and that debt-slavery and debt-servitude were only discussed there when the Ḥijāz became influenced by legal centres outside the Arabian Peninsula thus stands on shaky ground. This problem was perceived and reflected on just as early in the Ḥijāz as elsewhere.

IV. Summary and Results

The starting point of the study at hand about the early Islamic law of obligations is the thesis in Irene Schneider's book *Kinderverkauf und Schuldknechtschaft* (Sale of children and debt-servitude) that the legal opinions that support or tolerate loss of freedom in early Islam grew out of the pre-Islamic legal systems of the areas that were conquered by the Arabs.

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[134] It should then be translated as: "Free persons must not be surrendered to creditors for sale."

Doubts about this thesis made a critical verification of the methods and conclusions of this book desirable. Since the source material that Schneider's study relies on consists mainly of traditions (*aḥādīth, āthār, akhbār*), it was her methodological principles of the *ḥadīth* analysis that were examined first. It turned out that the author relies on methods of earlier *ḥadīth* studies without having examined them sufficiently or having tested their applicability.

A central text group that Schneider uses to demonstrate her thesis consists of traditions that report that the Prophet sold a debtor by the name of Surraq. After examining the variants of this tradition she concludes that they were only *attributed* to the Prophet and that the alleged transmitter, Surraq, was not an historical person. According to her, the *ḥadīth* developed near the end of the first/seventh century in Egypt and was accepted in other centres of legal learning in the second/eighth century as well. She also claims that enslavement due to debt did not exist in the Ḥijāz during the lifetime of the prophet Muḥammad.

As Schneider's *ḥadīth* analysis shows methodological weaknesses, and her conclusions are not convincing in several instances, the present study re-examined the Surraq *ḥadīth* with the aid of the *isnād-cum-matn* analysis. The results are compared to Schneider's. The conclusion is that this *ḥadīth* probably does have an historical core, and that the reported event is indeed likely to have taken place in Medina at the time of the Prophet.

Did enslavement due to debt then exist in the Ḥijāz? There are indications in the Qurʾān and some traditions that support this idea but Schneider did not sufficiently acknowledge this evidence. One of the author's arguments against the authenticity of the Surraq *ḥadīth* is that such a judgement is incompatible with Qurʾān 2:280. However, this argument is based on a one-sided interpretation of the *ḥadīth*, which the author herself abandons at the end of her book.

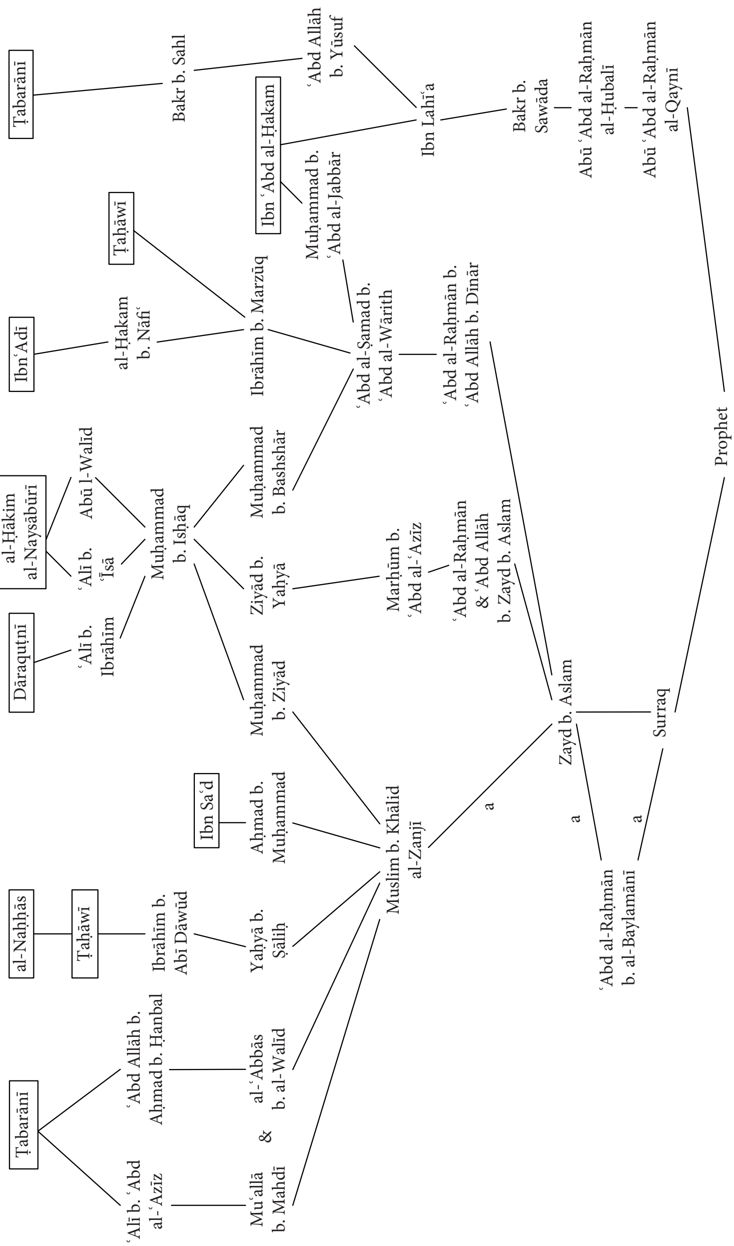
Aside from the Prophetic *ḥadīth*, Schneider collected and analysed several traditions that support personal execution in the form of the compulsory working off of debts (debt-servitude), and that are attributed to Muslim legal scholars of the first and second centuries A.H. Most commonly it is caliph ʿUmar ibn ʿAbd al-ʿAzīz who is mentioned as the proponent of such an opinion. In her analysis of the corresponding traditions Schneider concludes that the caliph was adhering to a pre-Islamic Egyptian legal practice in his judgement. Upon closer examination of the arguments this turns out to be improbable. The

judgement should rather be seen as a mitigation of the harsh treatment that was common with regard to insolvent debtors in pre- and early Islamic times in the Ḥijāz. Qurʾān 2:280 probably played a part in this.

There is nothing to support Schneider's interpretation that the problems of debt-slavery and debt-servitude only entered the legal centres of the Ḥijāz through legal scholars who taught outside the Arabian Peninsula, where they became familiar with legal theory and practice of advanced pre-Islamic Mediterranean and Middle-Eastern cultures.

Overall Schneider's theses are weak. It is true that her book is a useful collection of texts on the issue of loss of freedom in the early phase of Islamic law. It highlights the multitude of opinions that were still present and possible at the beginning of Muslim legal thinking, but which then yielded to a consensus of the classical schools of law over time. However, the dating and the cultural-historical as well as the regional positioning of the texts are not convincing. In this respect the statements in this book should not be adopted without scrutiny.

The transmission of the Surraq *ḥadīth*



The *asānīd* of P2, P11 and Bayhaqī's *isnād* from Abū Qilāba from ʿAbd al-Ṣamad have been omitted because they are faulty

CHAPTER FOUR

AL-RADD ʿALĀ L-RADD: CONCERNING THE METHOD OF *ḤADĪTH* ANALYSIS

Harald Motzki

The Greek philosophers developed the method of dialectics for the evolution of their sciences. It consisted of solving the various conceivable possibilities of a problem through dialogue. Muslim scholars also practised this method and called it *munāẓara* (dispute, competition). As part of this procedure one not only set out one's own position clearly, but, particularly, also analysed the opposing position in order to discover its possible weaknesses. Regarding the latter, they (Greeks as well as Muslims) often overshot the mark in that they implied that their opponents held opinions that they did not advocate at all, or at least not in the manner described.

In issue 77/1 of the journal *Der Islam* a *munāẓara* between Irene Schneider and me was printed: my article, "Der Prophet und die Schuldner. Eine *ḥadīth*-Untersuchung auf dem Prüfstand"[1] and Schneider's response, "Narrativität und Authentizität: Die Geschichte vom weisen Propheten, dem dreisten Dieb und dem koranfesten Gläubiger". In her contribution Schneider not only summarises the text- and transmission-critical position that her book *Kinderverkauf und Schuldknechtschaft* is based on, but she also describes my position. However, in many instances her depiction of my views is incorrect. A rectification is thus necessary and sensible, as it would aid everyone (not just those directly involved) in obtaining greater insight into the opposing positions. It thus serves the aim of a *munāẓara*: the search for truth. In the following I shall elaborate only on the most serious misunderstandings and distortions, as well as on her objections to my opinions, but not on those passages where she only repeats her arguments without adding anything new.

[1] See the English translation "The Prophet and the Debtors. A *Ḥadīth* Analysis under Scrutiny" in chapter 3.

I. Motzki's *Isnād-cum-Matn* Analysis

In chapter 1.1 Schneider criticises the fact that in my explanation of why transmissions below the common link occur as single strands (i.e., a single chain of transmitters, and only branch out after the common link into several chains of transmitters), I neglect a third possibility, namely, "that the common link fabricated the statement by the Prophet as well as the chain in one or another form" (p. 89). It was unnecessary, however, to remark on this possibility at this point, since I had already mentioned it in my earlier article "*Quo vadis Ḥadīṯ*-Forschung" where my opinions on this topic are described in detail.[2]

Furthermore Schneider claims that my concept of the common link implies "that an *authentic* tradition was transmitted to the common link" (p. 89, my emphasis). By 'authentic' she means "that the traditions…reached back to the Prophet" (p. 90). This interpretation prompts her to make this assessment: "The interpretation of the finding that authentic material was transmitted from the beginning and reached the common link in this state is not plausible due to the common link structure" (p. 91).

However, the implication that Schneider makes about my concept of the common link as collector is inappropriate. I neither assume the authenticity of a tradition in the sense that she thinks, nor that a tradition was indeed always transmitted. This is clearly expressed in my study "*Quo vadis Ḥadīṯ-Forschung*" that Schneider refers to as well.[3] If it is not clear enough there, I will stress once more: The concept of the common link as collector is aimed at emphasising the fact that the usual interpretation of the common link as creator and forger (which Schneider adheres to as well, as her book indicates) is one-sided and unsuitable for a general explanation of the phenomenon of common link. There are no grounds for assuming that *generally* the persons whom the common link names as his informant/s were invented by him, nor that the material that the common link transmits "was attributed to them in good faith (*pia fraus*)" (Schneider, "Narrativität und Authentizität", 92). Is it reasonable to assume that Zuhrī, for example, who is the common link in hundreds of tradition complexes, arbi-

[2] H. Motzki, "*Quo vadis Ḥadīṯ*-Forschung: Eine kritische Untersuchung von G.H.A. Juynboll: 'Nāfiʿ the *mawlā* of Ibn ʿUmar, and his position in Muslim *Ḥadīth* Literature,'" 46; "Whither *Ḥadīth* Studies?," 52–53 (chapter 2 of this volume).

[3] "*Quo vadis Ḥadīṯ*-Forschung," 43–47; "Whither *Ḥadīth* Studies?," 50–54.

trarily attributed all of these traditions to just anyone, and that the persons whom he names as his informants have nothing to do with the texts themselves? Since such a generalisation is completely unjustifiable, I believe that the dating does not have to stop at the common link, who has so far been considered the limit in dating, but that the problem of dating should be shifted to the informant before the common link. Thus, in individual cases the question is whether the common link may have received his material from the person indicated. So far hardly anyone has dared to cross the limit that Schacht set at the common link. However, there is no reason why this could not be done successfully.

It might be possible to prove that a common link did indeed receive a tradition, i.e., the *isnād* and *matn* (not necessarily word for word) from the person whom he names as his informant, provided that the situation of the sources is favourable. Various methods may be applied:

1) The method of source reconstruction, as used in my studies *The Origins of Islamic Jurisprudence* and "Der Fiqh des -Zuhrī" enables us to reconstruct the sources of a *ḥadīth* collection, i.e., of large numbers of texts that go back to *one* early scholar and that are found in a single *ḥadīth* collection, for example, the texts that are ascribed by ʿAbd al-Razzāq to Ibn Jurayj or the texts ascribed by Ibn Jurayj to Zuhrī. On the basis of large numbers of texts that are attributed to *one* informant by *one* person, it is possible to decide whether they truly originate from this informant and whether the informant's statement regarding the origin of the material is trustworthy. This is much more difficult or even impossible in the case of a single tradition collected from different collections. This method allowed me to establish that, among others things, two transmissions by Zuhrī (one about ʿUmar, and the other about the Prophet) in all likelihood go back to the generation preceding Zuhrī.[4]
2) The method of the *isnād-cum-matn* analysis allows for the reconstruction of the transmission history of a single tradition or of a complex of related traditions. This also allows for the common links to be surpassed, and by doing so to fill in a part of the "gap

[4] H. Motzki, "Der Fiqh des -Zuhrī: die Quellenproblematik," 28–41; English edition "The Jurisprudence of Ibn Shihāb al-Zuhrī," 30–45 (chapter 1 of this volume).

> in the transmission about the original Islam".[5] In my study "The Prophet and the Cat", I demonstrated using a *ḥadīth* of the Prophet that we do not have to be content with a dating that places the *ḥadīth* in question at the time of the common link, Isḥāq ibn ʿAbd Allāh ibn Abī Ṭalḥa (d. between 130/747–8 and 134/751–2). As can be shown, it is much more likely that the *ḥadīth* had already been disseminated by the descendants of the Companion of the Prophet, Abū Qatāda, who allegedly transmitted the *ḥadīth*, and thus it has to be dated to the last quarter of the first century A.H. The application of this method in my study "The Murder of Ibn Abī l-Ḥuqayq" was equally fruitful.[6] Here I ascertained that the transmissions about this event, in which Zuhrī is the common link, probably do go back to the descendants of the Companion of the Prophet, Kaʿb ibn Mālik, whom Zuhrī names as his informants, and should therefore also be dated to the last quarter of the first century A.H.[7]

The possibility of going beyond the common link in a methodologically safe manner does not by any means necessarily indicate that the tradition is therefore authentic, i.e., that it goes back to the Prophet, as Schneider alleges I imply. One cannot even be certain that it really originates from the person whom the informant of the common link named as his source. In this case – as in the case of the common link – several possibilities have to be considered: Text or textual elements could indeed have been taken over from the person mentioned; they could have originated from other persons; they could have been created by the informant of the common link; or it could be a combination of the possibilities mentioned. Which possibility is probable can only be determined if the situation of the sources is favourable. In some cases it is possible to unearth a historical core (for example, in the case of the traditions about the murder of Ibn Abī l-Ḥuqayq or the traditions about Surraq). In the case of the tradition from Abū Qatāda about the cat, however, it could not be determined whether

[5] R. Paret, "Die Lücke in der Überlieferung über den Urislam."

[6] H. Motzki, The Murder of Ibn Abī l-Ḥuqayq: On the Origin and Reliability of some *Maghāzī*-Reports."

[7] Other examples can be found in G. Schoeler, *Charakter und Authentie der muslimischen Überlieferung über das Leben Mohammeds* and A. Görke, "Die frühislamische Geschichtsüberlieferung zu Ḥudaybiya"; English edition: "The Historical Tradition about al-Ḥudaybiya: A Study of ʿUrwa b. al-Zubayr's Account."

the words of the Prophet contained in the *ḥadīth* really go back to the Prophet.[8] Of course, for the *ḥadīth* analyses that I have published to date, I preferred to choose traditions that allowed the common link to be bypassed. The many cases where it was not possible to bypass the common link are no less interesting in themselves; however, they do not contribute anything new to the current level of research. My examples should thus not be misinterpreted to mean that I allege from the start that there always was indeed a process of transmission that stretched from the Prophet or the person whom the transmission is about up to the common link. This clarification hopefully puts an end to Schneider's fight against positions that she falsely ascribes to me in her argumentation on pp. 89–92.

Both methods (source reconstruction and *isnād-cum-matn* analysis) allow for assessments of the origin of the material and, to some extent, of what the material looked like at the various stages that we are able to reach back to. I am therefore unable to see how one can gain insight into the authenticity or reliability of the transmitted material if one does not attempt to analyse its origin, but instead – as Schneider suggests (p. 90) – poses the question: Which material preceded the common link? After all, the answer is easy: That material which can be reconstructed as being part of the transmission by the common link! This, however, does not take one any further.

Two other misunderstandings by Schneider should be cleared up in this context. On p. 90 she writes: "Even if, according to Motzki's speculation, each Successor had adopted *only one transmission* from a Companion of the Prophet…Such a reconstruction of the transmission process, however, seems extremely unlikely" (my emphasis). This, however, is not *my* reconstruction of the transmission process either. That process is described in detail in my study "*Quo vadis Ḥadīṯ-Forschung*".[9] At issue is the phenomenon that before a common link (i.e., between the alleged first transmitter and the common link) the *isnād* in many cases only exists as a single strand, while it branches out after the common link. Schacht and Juynboll explain this by assuming that the common link was the creator or forger of the transmission, who allegedly sent the tradition into the world with the aforementioned

[8] See H. Motzki, "The Prophet and the Cat. On dating Mālik's *Muwaṭṭaʾ* and Legal Traditions," 71.

[9] "*Quo vadis Ḥadīṯ*-Forschung," 43–47; "Whither *Ḥadīth* Studies?," 50–54.

isnād. The transmission paths therefore could not cross below the common link anymore because there was no transmission process below, as the tradition did not even exist before the common link.

However, my concept of the common links as the first professional collectors and scholarly distributors of traditions (which does not exclude forgeries and inventions)[10] explains the aforementioned single strand by supposing that these first collectors who disseminated the traditions equipped them with *only one isnād*.[11] This is not the same as "to adopt only one transmission"; instead, it leaves open the question of whether one, several, or even any transmissions existed before the common link. This *isnād* of the common link could consist of only one person – either the alleged or actual informant – or of a chain of persons. My concept is based on the *possibility* that transmission occurred *before* the common link, not just after. Then the question arises as to how to explain the phenomenon of the single strand before the common link, i.e., why there are only rarely transmission paths that also cross below the common link. My explanation is that the common links were the first great collectors; they collected their material in a certain region and disseminated it in a scholarly manner. *Their* material has survived. Transmissions that were not absorbed or spread further by these collectors were either lost or continued to exist as oral or written transmissions outside the school-system or the great centres of learning (for example as family traditions). The hidden existence of transmissions enabled later collectors to discover transmission lines that do not run through the common links or the scholars of the great centres of learning. This (apart from fiction) possibly explains the phenomenon that occasionally transmissions exist that "dive" (Juynboll's terminology) below the common link. If they were not fabricated, these transmission lines were not generally unheard of at certain times, as Schneider misinterprets my meaning (p. 92), but were unknown only to the students, and students of students of the first great collectors. The phenomenon of the single strand before the common link is therefore tied to the fact that the later great collections of traditions were mostly based on the material of a limited number of early collectors who worked regionally.[12]

[10] This means that there may also be common links who forged traditions or *asānīd*.

[11] Collective *asānīd* are comparatively rare.

[12] My explanation of the common link phenomenon is not intended as a gen-

II. Motzki's Text Analysis

Schneider's idea that I assume the authenticity of the texts also recurs throughout chapter 1.2. She writes: "What Motzki wants to propose here is a holistic, narrative understanding of the texts... *This, however, has nothing to do with authenticity!*" (p. 93, my emphasis) and "Motzki's plea... This is not evidence of authenticity" (p. 94).

Schneider is misinterpreting my approach here. If by "a holistic understanding of the texts" she means that the texts have not changed in the process of transmission, then this is certainly *not* my starting point. Nor do I presume that there always had to be a long narrative text at the beginning. In principal, anything can be expected in a *ḥadīth* analysis: the texts could remain almost identical, they could change a lot or a little, short texts could grow, and long texts could shrink. This is clearly stated in my article "Der Prophet und die Schuldner".[13]

We have to begin with the texts that we find in later sources (the only sources available), and we can possibly discover which versions are older and which are younger from a comparison of the texts. A chronology, however, can hardly be achieved from a pure *matn* analysis. For example, it is pure speculation to locate short texts at the beginning or end of a development solely on the basis of the texts. With the aid of the *isnād*, however, the texts can be dated, at least up to the common link, provided that one does not generally consider the chains of transmitters to be completely arbitrary products. It is therefore more sensible to establish an *isnād* bundle first and to use it to categorise texts that presumably belong together due to their transmission history (as I have done in "Der Prophet und die Schuldner"), instead of reducing all the texts to their motifs and classifying them accordingly (Schneider's method), even if the result often coincides with the categorisation on account of the *isnād* analysis.

Schneider objects that I do not define my methodological approach to the analysis of the *matn* in my article "Der Prophet und die Schuldner", that I do not provide a meticulous text analysis, and that I do not dissect the text into its smallest units (pp. 93–94). I usually do this, but in this case it was not necessary, since my method

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eral explanation of all kinds of common links, but only for the common links of the *tābiʿūn*-level who frequently occur. The common link phenomenon is complex!

[13] P. 14; "The Prophet and the Debtors," 138. See also "*Quo vadis Ḥadīṯ-Forschung*"; "Whither *Ḥadīth* Studies"; and "The Prophet and the Cat," passim.

of *matn* analysis is described and demonstrated elsewhere in detail,[14] and Schneider herself has already dissected the texts into their smallest elements in her own book. The controversy is not what the *matn* analysis consists of, but what purpose is served by dissecting the texts. Schneider applies text analysis to two operations: 1) to compare individual versions or groups of versions to one another, and 2) to prove the existence of breaks in the sentence structure and in the logic of the stories, and to draw conclusions about the history and the origin of the text from this (p. 94).

I, too, dissect texts into smaller units or motifs for the comparison of versions, and for this it is indeed necessary.[15] With regard to the second application, however, we go our separate ways. Schneider writes: "I presume that the differences of the variants, as well as breaks in the sentence structure and logical inconsistencies in the stories can be explained by the *history of the development* of the texts" (p. 96, my emphasis). I do not contest that such occurrences can occasionally point towards a textual development, but in my opinion it does not justify raising this to a general principle, as Schneider does. Schneider is propagating precisely the principle of the text analysis that John Wansbrough applied to the analysis of the Qurʾān and that led him to date the emergence of the Qurʾān at the beginning of the third/ninth century.[16] There are only a few scholars in this field who accept his results, and justifiably so.

Thus, the question is, what else could cause breaks and inconsistencies in the traditions? There are several possible explanations: the composition technique of the author or transmitter; errors in the oral process of transmission; the summarisation or omission of facts by later transmitters; diminishing powers of recollection of transmitters who had heard the text a long time ago; errors in the copying process

[14] See the studies in the preceding note.

[15] See the studies in note 13 and "The Murder of Ibn Abī l-Ḥuqayq," passim. In footnote 22 Schneider wants to correct me saying that she "never presumed anywhere that the smallest common denominator must be the original version". On p. 93 of her book, however, she mentions that "*the smallest common denominator*", the motifs 4) debts and 5) the judgement by the Prophet, "must have always been present". She adds: "The basis thereof was likely *originally* a very general formulation of the indebtedness and of the sale without further definition of the circumstances that were then specified in different ways" (my emphasis).

[16] J. Wansbrough, *Quranic Studies. Sources and Methods of Scriptural Interpretation*, Compare in contrast A. Neuwirth, *Studien zur Komposition der mekkanischen Suren*.

of texts from written models; slips by the publishers of the texts; poor interpretation or translation.[17]

I will elaborate on the last point, since Schneider accuses me of interpreting away breaks in the text, saying that my understanding of the text is "uncritical", circular and suggestive (p. 97). As an example of these failures of mine, she offers a specific text, her translation of which can be found on pp. 364 f. of her book. At issue are the sentences: *fa-bāyaʿanī bi-arbaʿat abʿira, fa-qāla li-lladhī shtaranī* (one version has only *lahu*) *ghuramāʾuhu…fa-aʿtaqūnī.* Schneider translates: "He (the Prophet) had me sold for four camels. Then my creditors asked the buyer…and set me free." She understands this literally and interprets this to be a "logical break" in the text. If the Prophet sold Surraq, then he belonged to the buyer and the creditors were unable to set him free, since they did not own him (the same in "Narrativität und Authentizität," 97). Literally Schneider's translation is correct, but it does not make sense. This may not necessarily be due to the story, but could also be due to the translation. In my opinion, the transmitters of ʿAbd al-Ṣamad's version understood the text differently than Schneider and saw no logical inconsistency in it at all. I made this clear in my translation ("Der Prophet und die Schuldner," 25).[18] "He [the Prophet] sold me for four camels" should not be understood literally here, but figuratively: He handed me to them with the order to sell me for the value of four camels.[19] "He, who bought me" does not refer to the person who bought him, but who wanted to buy him. Then the entire story starts to make sense. There is no need to refer to the other versions, although they indirectly corroborate this conclusion, as they all presume that the sale did not occur before the manumission. The context itself, meaning ʿAbd al-Ṣamad's story as a whole, makes this interpretation obvious. It is the empathising with the text that is familiar to every translator, the answer to the question of what the narrator is actually trying to express, that I am referring to when I plead for more imagination in the comprehension of a text, instead of presuming a break in the text that is contingent on the textual history behind every seeming inconsistency in the text.[20] Schneider's "logical breaks"

[17] Examples for all of these possibilities can be found in my study "The Murder of Ibn Abī l-Ḥuqayq," passim.

[18] "The Prophet and the Debtors," 149.

[19] See also "Der Prophet und die Schuldner," 70; "The Prophet and the Debtors," 196.

[20] As my examples show ("Der Prophet und die Schuldner," p. 19; "The Prophet

are generally the result of a too literal translation or of an anachronistic understanding of the text that does not make any allowance for the possibility of jumps and sudden scene-changes in a story.

In addition, if the text that Schneider gives as an example of a "logical break" truly has a break in logic, what are the conclusions to be drawn from this break for the textual history of the text? Is the last sentence of Schneider's example a later addition? Has something been shortened? How did this break in logic come about? Although such questions are, in principle, part of Schneider's central mode of questioning (p. 90: "what material did the common link have access to"), neither her book nor her article "Narrativität und Authentizität" provide us with any specific information in this regard. In my opinion this is an example of how ineffective the aimless dissection of texts is. Furthermore, is it likely that the transmitters of the text would not have noticed this logical inconsistency? Why did they transmit such a senseless text? Why did they not remove the inconsistency, which would not have been difficult? How does this fit in with Schneider's (erroneous) thesis that ʿAbd al-Ṣamad's version is earlier than Zayd's version and served as model for Zayd's version (*Kinderverkauf und Schuldknechtschaft*, 117)? If this were the case, why, then, did Zayd remove the inconsistency, but the transmitters of ʿAbd al-Ṣamad's text did not?

All of these questions that arise from Schneider's understanding of the text disappear with a less literal translation. I, therefore, cannot share her view that my interpretation of the text is "uncritical, circular and suggestive" (p. 97).

A matter different from the alleged breaks in logic within a text are the differences between variants of traditions. Anyone who has ever dealt with textual variants knows that small differences in the text (that can have a strong impact) can be caused not only by deliberate interference, but also by errors of transmission (inaccurate listening, copying, or reading). In a comparison of the variants such mistakes can be determined and corrected with a fair degree of certainty when, for example, several variants are in agreement about a textual element whereas one variant diverges from the others regarding that ele-

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and the Debtors," 143–144), it is only these seemingly breaks in logic that I consider to be farfetched, and not, as Schneider writes (p. 96), the differences between the texts, which of course do occur and are important for a comparison of textual variants.

ment. Frequently, however, one has to rely on one's "common sense" or philological "intuition" in the case of emendations. For example, Schneider dismisses as "pure speculation" my suggestion to emend *bazz* (textiles, cloth) as a transmission error and read instead *baʿr* (camels) (p. 97). It is indeed hypothetical. Schneider's speculations, however, as to which Egyptian version Zayd might have adopted (*Kinderverkauf und Schuldknechtschaft*, 118–120) are no less so. The thought behind my suggested emendation is the following: Both main versions of the story contain structural agreements. However, neither version can be directly dependent of the other, as they differ too noticeably from one another. This means that they are either variants of the same original story, or different reports of the same event. Thus only one of two commodities mentioned in the reports can be true, textiles or camels. Since Zayd ibn Aslam, in whose version camels explicitly occur several times and the seller is a bedouin, is an earlier common link than Ibn Lahīʿa, I presume that "camels" is the original type of debt. Since Schneider herself considers the debts of textiles tradition by Ibn Lahīʿa as largely his own creation, her rejection of my emendation is even less comprehensible.

Schneider is of the opinion that the manuscripts which the text editions are based on have to be checked before such revisions can be undertaken. This, however, would be a futile exercise. If *bazz* is a mistake, then it must already have occurred at an early stage, since the variants of the Ibn Lahīʿa tradition already contain it. Therefore, only Ibn Lahīʿa or his informant are likely sources for this mistake. How could the manuscripts of later works like Ṭabarānī's *Muʿjam* or Ibn ʿAbd al-Ḥakam's *Futūḥ* be of any help, quite apart from the fact that they are not even the autographs?

Schneider's Excursus

Schneider misunderstands the value of the criteria of authenticity that I apply in *Die Anfänge der islamischen Jurisprudenz*, and she thinks that I contradict myself when I write that these criteria are not applicable in the case of single traditions (pp. 98–99). These criteria of authenticity, for example the question-answer pattern, were developed for and applied to large numbers of texts that *one* author or transmitter attributes to *one* informant or teacher. When hundreds of such texts are available, it becomes easier to determine whether certain occurrences in the texts are 1) either a quirk of the corresponding person

(for example if he uses the question-answer pattern all the time or only in certain characteristic circumstances, or if he expresses uncertainty), or 2) whether they reflect the true form of the transmission process (for example if such forms of expression occur alongside others, or only occasionally and generically). Expressed differently: Larger numbers of texts makes it easier to determine whether a 'transmitter' is a collector or a forger. However, when dealing with a single tradition, or with a tradition complex, i.e., several variant transmissions of a single tradition, these criteria are mostly of little help. In a tradition complex, statements such as, for example, "I asked X about this or that problem. He answered" or "I do not know exactly if he said this or that" appear in most or all versions and generally go back to the common link. In that case we have, in principle, only *one* text on the basis of which it is not possible to decide whether such statements hold any historical value, since they could also be forged. This is what I meant in "Der Prophet und die Schuldner" (p. 8). I do not see a contradiction in this.

III. The Authenticity of the Lower Part of the *Isnād* or of the Whole Story

In chapter 2.0 Schneider reproaches me because my argumentation is "less an attempt to analyse the lower, older part of the *isnād* in order to arrive at a reliable date, but more a string of hypotheses" that ends with a conclusion in which claims to probability are made (p. 100). It should be said that this is generally the case with scholarly works, and cannot be any other way. Schneider does the same in her own book. She writes in her "summary of the case 'Surraq'" (pp. 120–121): "As the most important results of the analysis of the Surraq story the following can be ascertained: Surraq *was* not a historical personality... The point of origin for this story *is* Egypt... At the beginning of the second century the basic elements *are*... settled in Medina... The tradition revised by Zayd ibn Aslam *travelled*... to Mecca and Baṣra... At the same time *it is certain that* in the first century in Egypt..." (my emphases). All of these conclusions are based on hypotheses.

My critique of Schneider's conclusions is not limited to her assessment of the lower part of the *isnād*, but includes her entire analysis of the *aḥādīth* in question. Schneider does not counter this critique with a refutation of those of my arguments that point to tangible method-

ological weaknesses in her study, but only with the general statement that my conclusions are in part hypothetical. This is a truism; conclusions in our scholarship are always hypothetical. Furthermore, I state in my paper what I consider to be a relatively certain finding (hypothesis), and what I consider to be less certain (see "Der Prophet und die Schuldner," 36).[21] Schneider's response by-passes the actual problems. Are my objections to Schneider's specific hypotheses or conclusions accurate or not? And if not, why not?

IV. The Common Source

Schneider considers the *isnād* of tradition P11 (Bayhaqī) to be reliable, while I categorise it as defective and, thus, unreliable ("Der Prophet und die Schuldner," 31–35).[22] She counters my opinion arguing in chapter 2.1. that it is not plausible to suggest that a Baṣran transmitter, knowing ʿAbd al-Ṣamad's version with its Medinan *isnād*, would have replaced this *isnād* with another *isnād*, and an Egyptian one at that. She writes: "Forgeries and backward projections as well do in general have some kind of purpose!" (p. 102). The latter assumption is certainly correct, however, my assessment of the development of this tradition, including its *isnād*, is not based on a deliberate forgery, but rather on a *faulty* transmission. This assessment is also supported by the biographical information about Ḥammād ibn al-Jaʿd.

Schneider objects that, although I offer two possible explanations for the structural correspondences that exist between the versions by Zayd ibn Aslam and Ibn Lahīʿa, either a common source or a common historical core, I only pursue the latter. I have already stated my reasons for this in my argumentation, but obviously not clearly enough. Therefore I will try once again to make it perfectly clear: There are two reasons why I do not assume a common source, meaning an original common text or story. The first reason is that each of the two versions contains a different *matn*, one of which is narrated from the perspective of the debtor, the other from the perspective of the creditor. The second reason is the different *isnād*. In my article, I have elaborated on both reasons and the result is my conclusion on p. 38: "Thus there are

[21] "The Prophet and the Debtors," 162.
[22] Ibidem, 156–160.

indications in the texts and the *asānīd* of the two earliest versions…, that support the view that both versions do not go back to a common source…, but instead to two different parties involved in the event…"[23]

In my argumentation I stress several times that my reconstruction of the textual history before the common link and of the historical core is very hypothetical. The plausibility of hypotheses depends on the arguments or evidence that support them. My principle is to enlist *all* of the information that the transmissions offer us, i.e., *matn* as well as *isnād*, meaning that *from the outset* nothing is excluded. The difference between Schneider and myself in this regard is that I am extremely careful and reserved with regard to the issue of whether a text or part of a text is deliberately forged or a person is invented. Such assessments are only acceptable to me if there are enough indications to support such a claim. Arguments from silence such as the ones that Schneider so willingly relies on, are, in my opinion, an insufficient basis upon which to pass such judgements. Therefore it is not as Schneider writes (p. 104): "With this question he suddenly takes for granted that…Qaynī is historical…". I merely assume that Qaynī *could be* historical, and this assumption is not a sudden impulse. I am only following my methodological principles since, based on the sources on Qaynī, I see no reason to assume that he is *not* historical and thus an invented personality in this tradition (see "Der Prophet und die Schuldner," 37).[24]

In this context Schneider claims that I derive authenticity from narrativity (p. 105). Here, she refers to my hypothesis that the version by Ibn Lahīʿa was originally told in the first person, not in the third, which is supported by one of the two variants. She alleges that this is why I "consider the report to be authentic" (p. 104). This is also a misunderstanding! Whether a report about the Prophet is told in the first or the third person is irrelevant to the authenticity of its content. The question of whether the narration in the first or the third person is original in the story is only important in that it helps determine *who* could have told the story, if we are looking for the narrator (and narration in the third person is also a possibility).[25] The fact that, in this

[23] "The Prophet and the Debtors," 164.
[24] Ibidem, 163.
[25] See "Der Prophet und die Schuldner," 38; "The Prophet and the Debtors," 164.

case, I think that that narration was originally told in the first person does not imply that I presume that the story is therefore authentic or that the version narrated in the first person is more authentic than the one narrated in the third person. At issue is the original perspective that the story is told from, and this is different in both of the oldest versions. The difference in perspectives demands an explanation. My hypothesis is that the two versions go back to the different parties involved and this is also suggested in the *asānīd* of both versions. Schneider does not offer any explanation for this. Let me repeat again: My objective is not to prove the authenticity (in Schneider's sense) of *aḥādīth*, as she alleges on p. 84, but primarily to date them.[26] If in the course of dating a tradition it turns out to be very old, and possibly or likely contains a historical core, then this result is a welcome by-product of the efforts that were put into dating this tradition. Those who from the start sense forgery and a-historicity in everything, or who consider the "gap in the transmission about the original Islam" to be sacrosanct are not the only ones who can claim to be critical towards the sources and the information contained therein. Contrary to what Patricia Crone and Michael Cook claim in some of their publications,[27] I am convinced that we can choose between more than fire and water, and between gullibility and scepticism. It is a flaw in reasoning to presume that the rejection of scepticism necessarily implies gullibility.[28] An example will follow.

V. Was Surraq a Historical Personality?

Schneider also twists my argumentation with regard to this question: "Motzki argues that the authors of the *rijāl* works did not know a lot

[26] See "Der Prophet und die Schuldner," 22; "The Prophet and the Debtors," 147: "With this approach the question is not *whether* a tradition is authentic or not, but *what of it* can be traced back *how far*." In the title of my article "The *Muṣannaf* of ʿAbd al-Razzāq al-Ṣanʿānī as a Source of Authentic *Aḥādīth* of the First Century A.H." "authentic *aḥādīth*" does not mean traditions that really go back to the Prophet, but that some traditions can be dated as belonging to the first century A.H. (authentic traditions *of* the first century).

[27] P. Crone and M. Cook, *Hagarism. The Making of the Islamic World*, chapter 1; M. Cook, *Muhammad*, chapter 7; P. Crone, *Roman, Provincial and Islamic Law. The Origins of the Islamic Patronate*, chapter 2; Idem, *Meccan Trade and the Rise of Islam*, chapter 9.

[28] See on this issue H. Motzki, "The Question of the Authenticity of Muslim Traditions Reconsidered: A Review Article."

about Surraq... this, however, is not evidence *for* authenticity" (p. 106), she writes in chapter 2.2. And neither was my statement intended as such. I merely used it to *counter* Schneider's conclusion – based on a lack of evidence and on contradictory information – that Surraq was *not* a historical person (see "Der Prophet und die Schuldner," 40).[29] My counter-argument does not necessarily imply the opposite, but only that in spite of this lack of evidence and contradictory information the *possibility* continues to exist that Surraq was a historical person; this question cannot be settled until more evidence comes to light.

Schneider considers "the information in the *rijāl* works" and "this type of literature" to be "problematic" and "suspect *from the beginning*" (p. 106, my emphasis). Nevertheless, she accepts Ibn Ḥajar's information in his *rijāl* book that Surraq died during the caliphate of ʿUthmān, thus, she accepts this suspect type of literature. However, she reproaches me for doubting this information. In my opinion, neither information found in a *rijāl* work nor this type of literature in general are as such suspect "from the beginning". They are sources like any others that contain historically useful and less useful information. The usefulness of a report or a certain type of report is not *a priori* certain. Whether it is useful or not must be ascertained case by case. The same goes for the *asānīd.* My argumentation in the case of Surraq gives preference to the earlier source (first third of the second Islamic century, the statement by Zayd ibn Aslam on whom his informant was) as opposed to the later source (ninth century A.H., the statement by Ibn Ḥajar on when Surraq died).[30]

Schneider's Interim Results

In this passage Schneider deals with my thesis that there are further indications of personal execution in the pre-Islamic Ḥijāz aside from the Surraq-*ḥadīth*, such as in the Qurʾān, in the exegesis of the Qurʾān, in pre-Islamic poetry, and in reports about the Meccan contemporary of the Prophet, al-ʿĀṣ ibn Hishām. She herself believes that there are no indications for personal execution, saying: "To deduce the existence of debt-servitude or even debt-slavery from the Qurʾān verse is meth-

[29] "The Prophet and the Debtors," 165–166.

[30] Further arguments are in "Der Prophet und die Schuldner," 41–42; "The Prophet and the Debtors," 167–168.

odologically inadmissible" (p. 109). Leaving aside the fact that it is not only the Qurʾān from which I draw support, the question remains as to what her basis is for deciding what is or is not methodologically admissible for the interpretation of the Qurʾān. Of course, my conclusion that the system of usurious interest that is probably at the basis of the qurʾānic prohibition of *ribā* also permitted various types of personal execution is hypothetical (Schneider complains about this on p. 108). How can an historical-critical interpretation of the Qurʾān be anything but hypothetical? Yet my conclusion is plausible and backed up by other evidence. On the contrary, Schneider's allusion to early Roman law, according to which insolvent debtors were executed (p. 108) is *not* a plausible counter-argument. It is such arguments that render the comparison of cultures and legal systems a farce. A single fact of one culture is compared to a single fact of another without raising the question of context. What role did the death penalty play in early Roman law in general? For what other types of offence, besides debt, was it imposed? In contrast, what was its role in the Ḥijāz just before the advent of Islam? How common was it there and for what offences was it applied? Was the social structure of both regions so similar that it allowed for the death penalty to be applied for comparable offences? These are the questions that need to be answered before a comparison to early Roman law makes any sense.

In this context Schneider also thinks that I should have included debt-detention (coercive detention) (p. 109), as we know it from later Islamic history, among the pre-Islamic forms of personal execution if I am convinced that personal execution in case of debt existed at the time of the Prophet. I cannot make sense of Schneider's reproach. Coercive detention generally implies a well organised legal system, police and prisons. Can we assume these existed in pre-Islamic times?

VI. Narrativity and Authenticity: The Story of the Wise Prophet

In chapter 2.4. Schneider admits that my interpretation of the Surraq story carries some weight, "since it contains a holistic understanding of this story that includes all the narrative elements, and renders the role of the Prophet as wise and foresighted" (p. 110). To this she adds the sentence: "But is this a vote for the authenticity that Motzki presumes? Certainly not." "Motzki confuses narrativity with authenticity"

(p. 111). Here, too, Schneider does not render my expositions in "Der Prophet und die Schuldner" correctly. I emphasise several times in my article that the narrative framing of the story is not identical to the presumed historical core. I state that "the *narrators* did see it this way", that *the stories* have a double happy ending, that the Prophet *is seen* as a wise judge (p. 66).[31] Furthermore, I state: "This historical core consists of the *correspondences* that can be demonstrated between the Surraq version and that of the creditor" (p. 67),[32] and "to what extent the *details*, which both of the oldest stories contain beyond the historical core, are credible, is *uncertain*" (p. 38),[33] and "it is *not possible anymore to ascertain* how detailed the original versions were" (p. 67, emphasis added in the preceding quotations). Each version has its own narrative arrangement. Although it is only possible to follow the textual history up to the common links with certainty, it is probable that the two oldest stories have an earlier history due to the correspondences between these two versions transmitted by common links. The correspondences between both stories cannot be a narratively framed story, but only individual facts. These are:

> Surraq bought (probably) camels from someone, but disappeared without paying for them. The defrauded person managed to get hold of the shark and dragged him to the Prophet (so that he would judge the case). He handed Surraq over to the victim with the order to sell him (so that the victim would be recompensed with the profit). Some dealings occurred with potential buyers, however, the creditor finally abandoned his plans and set the shark free.[34]

This is not "the story of the wise Prophet, the brazen thief and the pious creditor", but it is the probable historical origin or core. Schneider has overlooked the distinction I make between the archetypes and the origins of the stories. This causes the misunderstanding that runs through her entire article, namely, that I allegedly tried to "prove the authenticity of the Surraq *ḥadīth*", or that I claim to have succeeded in this ("Narrativität und Authentizität," 84, 87, 113 and passim).

Like Schneider (but for different reasons) I presume that the "stories of the wise Prophet" which are preserved in the sources, obtained their narrative archetypes in Egypt. According to Schneider the archetypes

[31] "The Prophet and the Debtors," 192.
[32] "The Prophet and the Debtors," 193.
[33] "The Prophet and the Debtors," 164.
[34] See "Der Prophet und die Schuldner," 38; "The Prophet and the Debtors," 164.

coincide with the place of origin; an origin other than Egypt seems unlikely to her. This assessment is based on the presumption that both main variants of the story are interdependent – to be precise, that the Medinan transmission is dependent on the Egyptian one, and not vice versa. The weaknesses of this thesis are: 1) the common link of the Egyptian tradition (Ibn Lahīʿa) is one generation younger than the common link of the Medinan tradition (Zayd ibn Aslam); 2) Schneider considers the tradition by Ibn Lahīʿa to be Egyptian, an assessment that is based on the single strand *isnād* of Ibn Lahīʿa's tradition, even though she is of the opinion that the single strands given by common links are fictitious; 3) she considers the single strand *isnād* given by the common link Zayd ibn Aslam to be fictitious and Surraq, the transmitter (informant) named by Zayd ibn Aslam, to be unhistorical, although there are only weak indications to support this presumption; 4) she considers the solitary tradition, P11, which according to its *isnād* allegedly goes back to Egyptian transmitters, to be genuine and credible, although there are indications to the contrary; 5) according to her, the oldest forms of the story were short, although the oldest version that can be dated with certainty, that by the common link Zayd ibn Aslam, is long.

However, based on the *asānīd* and the *mutūn* of the variants, I assume at least two different, not directly interdependent, archetypal narratives that developed in Egypt (the version of Surraq transmitted by Zayd ibn Aslam, and the version transmitted by Ibn Lahīʿa), aside from at least one Medinan version that is shorter but at least as old (P23).[35] In contrast to Schneider, I consider the *isnād* of tradition P11 to be defective – its *matn* seems to be dependent on ʿAbd al-Ṣamad's version. The narratives did not necessarily originate in the same place as the events which they report.

Since Schneider dismisses as useless the information that the traditions themselves offer about their origin, she is dependent on evidence external to the texts. Her hypothesis that the story on Surraq stems from Alexandrian Jews freshly converted to Islam (*Kinderverkauf und Schuldknechtschaft*, 345) is based on a vague parallel in the Torah. By contrast, my hypothesis that the origin of the stories must be found in an event that took place in Medina at the time of the Prophet is

[35] Regarding the latter, see "Der Prophet und die Schuldner," 47–50; "The Prophet and the Debtors," 172–176.

backed up by the following observations: There is hardly any evidence in the available sources that the information given in the traditions themselves about their origin is fabricated and not historical; the structural correspondences in the oldest long versions of the *ḥadīth* complex about Surraq point, on the other hand, to a history *before* its probable development in Egypt. The Medinan tradition, P23, also indicates this. Thus, it makes more sense to credit the archetypes of the stories to Arab Muslims who emigrated to Egypt, as the transmissions themselves state, instead of to newly converted Egyptian Muslims, formerly of the Jewish faith, for which there is no direct evidence at all in the traditions, and only a vague textual parallel with Exodus 22:2. Finally, Schneider's thesis that the stories could not have originated in Medina remains unconvincing since she concludes from the silence of the sources that personal execution in cases of debt was not used in the Ḥijāz of pre- and early Islamic times. In doing this she has either overlooked or, without giving adequate reasons, dismissed as irrelevant or fabricated, evidence pointing to personal execution in the case of debt.

Schneider concludes her reply to my article with the sentences: "In the reconstruction of the early history (of law) one still encounters limits: the famous gap in the tradition on early Islam is still open. I consider it better and more scholarly honest…to point out these limits than to transgress them with implausible ad-hoc-hypotheses and speculations" (p. 113). It is strange that Schneider's "scholarly honesty" only extends to *aḥādīth* of the Prophet, but not to traditions about the Companions of the Prophet and the Successor generations. Texts by the latter she generally considers to be "probably authentic"; with regard to traditions about Companions of the Prophet, such as ʿAlī or Ibn ʿAbbās, she mentions that certain traditions probably do "indeed" go back to these Companions or are authentic (*Kinderverkauf und Schuldknechtschaft*, 66, 165, and 207). When she crosses Schacht's magical limit of the year 100, her methodological conscience apparently does not twinge. Her arguments about traditions by Companions or Successors, however, do not differ methodologically from those that I have used in the case of the Surraq-*ḥadīth* in order to get ahead of the common links. Schneider's methodological approach is inconsistent. There is no plausible reason to approach traditions about Companions and Successors differently than those about the Prophet himself.

In my critique of Schneider's book, I have explained that her conclusions in many cases are based not only on "implausible ad-hoc-

hypotheses and speculations", but also on methods that are not well thought-out and that are inconsistently applied, even on those occasions when she does not dare cross the limits laid down by Schacht. Her reply did not convince me of the contrary. She hardly addresses specific criticisms, and interprets my arguments in such a distorted manner that I cannot recognise myself in them anymore. I therefore have to repudiate her critique.

Postscript

Irene Schneider stated in a short answer to this article that a continuation of our debate about the dating of the Surraq *ḥadīth* is not fruitful. Our results differ fundamentally. Instead, she proposes to continue the debate on a more fundamental level and to clarify the methodological premises and heuristic concepts of dating and text analysis. To my mind, this is an unsatisfactory end to the debate. We – and also the readers who followed our debate – have learned a lot about each other's methodological premises and heuristic concepts. We had the chance to make our premises, concepts and methods more explicit and clear up misunderstandings. Our debate constantly moved between a fundamental methodological level and the evidence of sources. To discuss the problems on a more fundamental, i.e., abstract, level makes no sense. On the contrary, we must, *on the basis of the sources*, test the premises, concepts and methods that are actually used in our discipline and assess whether they are reliable. This is precisely what we have done in our contributions to the debate on the Surraq *ḥadīth* and the question of whether or not personal execution for debt occurred in pre-Islamic Arabia and during the lifetime of the Prophet Muḥammad. In this sense our discussion was very fruitful.

CHAPTER FIVE

THE ORIGINS OF MUSLIM EXEGESIS. A DEBATE

Harald Motzki

I. The Problem

When did the scholarly exegesis of the Qurʾān start? Muslims usually date its beginnings to Ibn ʿAbbās, who died between 68/687 and 70/689. Exegetical opinions of Muḥammad, the first four caliphs and other Companions of the Prophet have also been transmitted it is true, but Ibn ʿAbbās is considered to be the father of scholarly exegesis.[1] Since the beginning of the twentieth century non-Muslim scholars have cast doubts on this view. Instead, they argued that the differences and contradictions contained in the exegetical traditions circulating in Ibn ʿAbbās' name are evidence that his eminent role at the beginning of Muslim exegesis is a fiction. They did not conclude, however, that he had no role at all in it but rather that later scholars must have put many of their own interpretations under his authority.[2] This balanced critical judgment was challenged, on the one hand, by scholars like Fuat Sezgin, Nabia Abbott and Isaiah Goldfeld who defended the Muslim position and even claimed that written compilations of Ibn ʿAbbās' exegesis had already existed in his pupils' generation, and, on the other hand, John Wansbrough, who held the view that the extant recensions of early commentaries were not written before the beginning of the third/ninth century and nothing definite can be said about the preceding period when exegesis of the Qurʾān was transmitted orally. According to Wansbrough, who considered the chains of transmitters as literary devices, early exegesis that may date from the

[1] A modern example: M.M. al-Ṣawwāf, "Early Tafsīr – A Survey of Qurʾānic Commentary up to 150. A.H.," 137–140.

[2] See F. Schwally, "Die muhammedanischen Quellen und die neuere christliche Forschung über den Ursprung der Offenbarungen und die Entstehung des Qorānbuches," 165–166.

second/eighth century can be identified only as a genre. The ascription of exegetical opinions to particular scholars, however, is spurious.[3]

Based on a study of the so-called *Tafsīr Mujāhid*, Fred Leemhuis proposed an intermediate solution. "The fixation in writing of already existing variant versions of a *tafsīr* tradition [...] took place around 150/767."[4] At the same time, that is, half a century earlier than Wansbrough assumed, two simultaneous practices began: firstly, of providing the anonymous living tradition of exegesis with chains of transmission[5] and, secondly, raising these *asānīd* to Ibn ʿAbbās.[6] Leemhuis did not, however, exclude the possibility that Ibn ʿAbbās and other alleged exegetes living up to the middle of the second/eighth century may have had a part in the early living exegetical tradition. Yet we cannot know what their actual impact was owing to the lack of independent source material.[7] This is, all in all, also the view of Andrew Rippin and Claude Gilliot, who, however, have serious reservations about the role of Ibn ʿAbbās in the emergence of Qurʾānic exegesis.[8] C.H.M. Versteegh, on the other hand, draws nearer to the position held by Sezgin and Goldfeld in assuming that the *tafsīr* literature as a whole "provides us with a clear picture of his [Ibn ʿAbbās', H.M.] teachings."[9]

The opinions held by Sezgin, Abbott, Goldfeld and Versteegh have recently been attacked again. In his book *The Development of Exegesis in Early Islam. The Authenticity of Muslim Literature from the*

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[3] F. Sezgin, *Geschichte des arabischen Schrifttums*, I, 19–29; N. Abbott, *Studies in Arabic Literary Papyri*, II, 92–113, esp. 99–100; H. Gätje, *Koran und Koranexegese*, 52; I. Goldfeld, "The *Tafsīr* or [read: of] Abdallah ibn ʿAbbās"; J. Wansbrough, *Quranic Studies. Sources and Methods of Scriptural Interpretation*, chapter 2. The debate between Sezgin/Abbott and Wansbrough is presented in more detail in A. Neuwirth, "Koran," 121–123 and F. Leemhuis, "Origins and Early Development of the *tafsīr* Tradition," 14–19.

[4] Leemhuis, "Origins and Early Development of the *tafsīr* Tradition," 21.

[5] Ibidem, 28.

[6] Ibidem, 25.

[7] Ibidem, 26–28.

[8] See A. Rippin, "Tafsīr," in A. Rippin, *The Qurʾān and its Interpretative Tradition*, X, 4–10; idem, "Tafsīr," in: *EI*[2], X, 85–86; idem, "Studying Early *tafsīr* Texts"; Claude Gilliot, "Les débuts de l'exégèse coranique," 87–94. Gilliot seems to be convinced, however, that there was already an exegesis in the second half of the first/seventh century that can be recovered from traditions like those attributed to Mujāhid (d. 104/722). See his article "Mythe, récit, histoire du salut dans le commentaire coranique de Tabari," 246 and idem, "Exegesis of the Qurʾān: Classical and Medieval," 104.

[9] C.H.M. Versteegh, *Arabic Grammar and Qurʾānic Exegesis in Early Islam*, 59.

Formative Period, published in 2000, Herbert Berg studied exegetical traditions ascribed to Ibn ʿAbbās found in Ṭabarī's *Tafsīr*. His aim was to check whether they really derive from Ibn ʿAbbās. The outcome is negative. He concludes from his analysis that the chains of transmission (*asānīd*) of the exegetical traditions ascribed to Ibn ʿAbbās are largely or completely spurious and that, in general, the reliability of the *asānīd* of most exegetical traditions must be considered doubtful. The *asānīd* are likely to have been added to the exegetical texts only during the third/ninth century. Hence, Berg argues that scholars who base themselves on the *asānīd* to reconstruct an earlier history of the traditions are performing a futile task. This criticism also applies to the views of more sceptical scholars like Leemhuis and Gilliot.

I answered Berg's analysis in a detailed review article, arguing that the author's conclusions about *aḥādīth* and *asānīd* in general and the development of exegesis in early Islam in particular are too generalized and not corroborated by the data he studied.[10] I suggested that the relation between *asānīd* and texts (*mutūn*) of exegetical traditions ascribed to Ibn ʿAbbās and his alleged pupils should be studied more systematically and not only at the level of Ibn ʿAbbās' pupils and Ṭabarī's informants, as in Berg's book.[11]

In a new study entitled "Competing Paradigms in the Study of Islamic Origins: Qurʾān 15:89–91 and the Value of *Isnād*s,"[12] Berg makes a step in the suggested direction. He applies the approach of scholars whom he labels "sanguine" or "non-sceptical," using not only the texts of the exegetical traditions but also the chains of transmitters added to them. His aim is to reconstruct the transmission history of the traditions using the methods of the "sanguine" scholars. Georg Stauth, Gregor Schoeler and myself are mentioned as examples of scholars working with these methods. He then contrasts their approach with the "sceptical" approach which, based on John Wansbrough's ideas, rejects the view that the *asānīd* could be used for historical reconstruction (because they are merely literary devices) and focuses instead on literary analysis.

[10] H. Motzki, "The Question of the Authenticity of Muslim Traditions Reconsidered: A Review Article."

[11] Ibidem, 255–256.

[12] Published in Berg (ed.), *Method and Theory in the Study of Islamic Origins*, 259–290.

Such a comparison of different scholarly approaches applied to the same sources can be illuminating. A prerequisite is, however, that the approaches are properly described and applied. Are they in Berg's article? I shall argue in the following that his study is too superficial and that his application of the *isnād-cum-matn* method is not accurate and sophisticated enough. As a result of its shortcomings several of his conclusions ascribed to the "sanguine approach" are not in line with what I would conclude from the analysis of the exegetical traditions in question. Hence the comparison does not live up to its promise.

The main conclusions that Berg derives from his application of the *isnād-cum-matn* method to the exegetical traditions dealing with Qurʾān 15:90–91 are that Ibn ʿAbbās may indeed be the author of the exegesis that the word *muqtasimūn* (the partitioners) referred to Jews and Christians, and "that their partitioning of the Qurʾān took the form of believing some of it but not other parts of it." Transmitters of the following generation like Mujāhid and ʿIkrima redacted and tendentiously shaped Ibn ʿAbbās' statements for various theological reasons. "These conclusions suggest that both the *matn*s and the *isnād*s are generally reliable."[13] I shall argue in the following that the method, when properly applied, does not lead to these results and that the last statement is without foundation.

II. Preliminary Notes

Let us begin by clearing up a few misunderstandings of my approach.[14] 1) Berg rightly states that scholars "such as Stauth, Motzki and Schoeler," by collecting the extant versions of related *aḥādīth* and by examining both the *mutūn* and the *asānīd*, try to reconstruct the transmission history of the *aḥādīth* in question and to distinguish earlier stages of the texts from later additions.[15] Yet Berg's assumption that "in so doing, they believe that they have conclusively shown that *ḥadīth*s are largely authentic" is wrong. I do not believe that.[16] I only

[13] Berg, "Competing Paradigms in the Study of Islamic Origins," 275.

[14] See for a summary of aims and method of *isnād-cum-matn* analysis H. Motzki, "The Murder of Ibn Abī l-Ḥuqayq: On the Origin and Reliability of some *Maghāzī*-Reports," 174–175.

[15] Berg, "Competing Paradigms in the Study of Islamic Origins," 260.

[16] See also H. Motzki, "*Ar-Radd ʿalā r-radd* – Zur Methodik der *ḥadīṯ*-Analyse," 148–151; English edition "*Al-Radd ʿalā l-radd*: Concerning the Method of *Ḥadīth*

assume that many traditions found in the extant compilations were not invented by the compilers but have a history (including forgeries) which can be retraced to a certain point in time. The main aim of my approach is *dating* traditions. The fact that, for example, a *ḥadīth* of the Prophet can be dated to the second half of the first/seventh century does not mean that it is authentic in the sense that it really goes back to him in the form preserved or that it reflects accurately what really happened. By dating traditions, conclusions about this type of authenticity will be possible in very rare cases, if ever. I will come back to this issue in the last chapter of the study.

2) Berg mentions that some scholars, like Schacht and Juynboll, consider the common link – the key transmitter whom many or most transmission lines of a tradition have in common – as the originator or inventor of the tradition in question. He rightly says that I am not convinced that this interpretation of the common link phenomenon is the only valid one. Yet Berg is wrong in concluding that, accordingly, I think that "the common link should be viewed as a common source for, not the originator of, the *matn*." It is precisely this sort of generalization that I try to avoid. I argue that both can be the case: The common link can be the originator of his tradition or a collecting transmitter. I even take into account the possibility that a common link can be a fiction created by inventing *asānīd* and *mutūn*.[17] I discussed an example of the latter type in a separate article.[18]

In his description of the role that the common link plays in my approach Berg confuses these two different issues: a) whether the common link is the result of a real transmission process and b) whether a common link is a collector and transmitter or a forger of a tradition. My argument that typical peculiarities within groups of *aḥādīth* suggest that there is a close connection between *asānīd* and *mutūn* and that this connection in turn proves that the common link is the

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Analysis," 210–214 (chapter 4 of this volume); idem, "The Question of the Authenticity of Muslim Traditions Reconsidered," 217–221, 228–231.

[17] See H. Motzki, "*Quo vadis Ḥadīṯ*-Forschung? Eine kritische Untersuchung von G.H.A. Juynboll: 'Nāfiʿ the *mawlā* of Ibn ʿUmar, and his position in Muslim *ḥadīth* literature'," 43–47; English edition "Whither Ḥadīth Studies?," 50–54 (chapter 2 of this volume); idem, "Der Prophet und die Schuldner. Eine *ḥadīṯ*-Untersuchung auf dem Prüfstand," 9–10, 35–39; English edition "The Prophet and the Debtors. A *Ḥadīth* Analysis under Scrutinity," 133–134, 160–162 (chapter 3 of this volume); idem, "*Ar-Radd ʿalā r-radd*," 148–151; "*Al-Radd ʿalā l-radd*," 210–214.

[18] See H. Motzki, "Dating the so-called *Tafsīr Ibn ʿAbbās*. Some Remarks."

result of a real transmission process is not meant to substantiate my claim that a common link can also be the collector of a tradition, as Berg maintains.[19] This argument is, rather, directed against the idea launched by scholars like Cook and Calder that the common link phenomenon is the result of systematic or systemic *isnād* forgery ("spread of *asānīd*").[20] My arguments in favour of the view that a common link may also be considered an early collector of traditions are varied and explained in detail elsewhere.[21] I will come back to this issue below.

III. The Exegetical Traditions of Qurʾān 15:90–91

The text:

> *kamā anzalnā ʿalā l-muqtasimīn* (90) *alladhīna jaʿalū l-qurʾāna ʿiḍīn* (91)/ as we have sent down to the partitioners (90), who have made the Qurʾān bits (91).

In his chapter entitled "The Sanguine Approach" Berg classified the exegetical traditions dealing with Qurʾān 15:90–91 into six groups according to their common links in the *asānīd*: 1) Abū Ẓabyān – Ibn ʿAbbās-*aḥādīth*, 2) Abū Bishr – Saʿīd ibn Jubayr – (Ibn ʿAbbās) *aḥādīth*, 3) miscellaneous Ibn ʿAbbās-*aḥādīth*, 4) Mujāhid-*aḥādīth*, 5) ʿIkrima-*aḥādīth*, and 6) miscellaneous *aḥādīth*. He compiled the *asānīd* of each group into a diagram that shows the knots in the transmission lines and also the textual elements of the variants. The key phrases and concepts of the texts are also put together in groups of similar wording. They are numbered and listed in a separate table. I shall use his division, table and diagrams as a frame of reference.[22]

The *isnād* diagrams and the list of textual elements reveal two main problems, one concerning the *asānīd*, the other the texts. First, the *asānīd* are mostly single strands that form "spiders," i.e., the transmission lines cross each other only at a certain transmitter but sel-

[19] Berg, "Competing Paradigms in the Study of Islamic Origins," 262–263.

[20] See H. Motzki, "The Collection of the Qurʾān. A Reconsideration of Western Views in Light of Recent Methodological Developments," 26–27.

[21] See H. Motzki, "*Quo vadis Ḥadīṯ*-Forschung?," 43–54; "Whither *Ḥadīth* Studies?," 50–61; idem, "*Ar-Radd ʿalā r-radd*," 148–151; "*Al-Radd ʿalā l-radd*," 210–214; idem, "The Collection of the Qurʾān," 29–31; idem, "Dating Muslim Traditions. A Survey," 222–242.

[22] They are reproduced when I discuss them or in the Appendix, pp. 299–301.

dom before; put otherwise, there are only a few significant partial common links. According to G.H.A. Juynboll who coined the term 'spider', *isnād* bundles showing this peculiarity are unreliable.[23] Hence he would consider almost all the *asānīd* of the exegetical traditions of Berg's diagrams as fabricated by the compilers of the works in which they are found (Ṭabarī, Bukhārī, ʿAbd al-Razzāq etc.).

Second, the *mutūn* of some of the traditions are very short, which is often the case with exegetical traditions. This makes it more difficult to reach conclusions as to whether they were independently transmitted or not. Nevertheless, the application of the *isnād-cum-matn* method seems possible because of the variety in the textual elements found in the exegetical traditions of Qurʾān 15:90–91. Conclusions will be slightly weaker than in the case of longer texts but the variety seems to be significant enough in most cases. This variety in the *mutūn* also indicates that the "spidery" structure of the *asānīd* does not preclude the possibility that the *asānīd* reflect real transmission. Just because of the variety of the texts, Ṭabarī, the collector in whose work most of the traditions are found, can be safely exonerated from the suspicion of having fabricated the *asānīd* himself. If he had done so, he must have fabricated not only new *asānīd* but also varying texts for them. Moreover, Ṭabarī's own commentary clearly shows his uneasiness with the different explanations of the traditions he quotes[24] and he sometimes even points out errors in them.[25] That he should have fabricated these traditions and, at the same time, commented on them in this manner is an absurd idea. Thus, Ṭabarī's exegetical traditions must have a history. The question is: How far back can we trace it?

After this first glance at the material and the problems one encounters let us have a closer look at it by studying the traditions of the six groups and Berg's comments and conclusions concerning them.

[23] See G.H.A. Juynboll, "Nāfi, the *Mawlā* of Ibn ʿUmar, and his Position in Muslim *Ḥadīth* Literature," 214–215.

[24] See Ṭabarī, *Jāmiʿ al-bayān*, 14:85.

[25] Ibidem, 86.

The Traditions of Group One

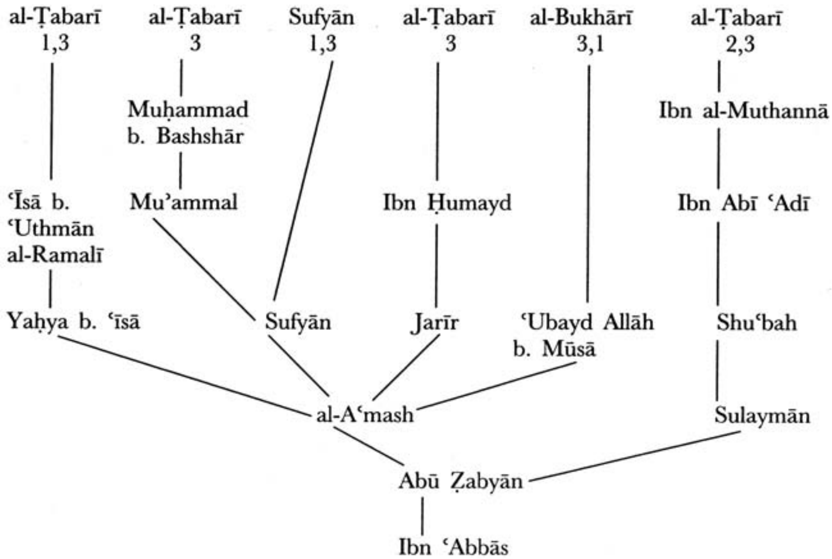


Diagram 1: Abū Ẓabyān—Ibn ʿAbbās-*ḥadīths*

The first diagram shows traditions allegedly transmitted from Ibn ʿAbbās by Abū Ẓabyān. Four versions are found in Ṭabarī's *Jāmiʿ*, one in Bukhārī's *Jāmiʿ* and one in *Tafsīr Sufyān al-Thawrī*.[26] Berg notes that the texts of these traditions are fairly consistent.[27] This is indeed obvious if one compares the elements they contain. In all traditions of this group we find element 3 (*āmanū bi-baʿḍin wa-kafarū bi-baʿḍin*/ they believed in some and disbelieved in some), and three of the six versions also have element 1 (*hum al-yahūd wa-l-naṣārā*/they are the Jews and the Christians). A single version has element 2 (*ahl al-kitāb*/ the People of the Book) instead of element 1. At the same time, "each

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[26] The *Tafsīr Sufyān al-Thawrī* is a collection of exegetical traditions transmitted by Abū Jaʿfar Muḥammad, that is, probably Muḥammad ibn Ghālib ibn Ḥarb al-Ḍabbī al-Baṣrī al-Tammār al-Tamtām (d. 283/896) (identified by Gilliot, "Les débuts de l'exégèse coranique," 89, 97, note 65), from Thawrī's pupil Abū Ḥudhayfa Mūsā ibn Masʿūd al-Nahdī al-Baṣrī (d. 220/835 or 226/840–1), who ascribes them to Thawrī. The unique manuscript has been edited by Imtiyāz ʿAlī ʿArshī, Rampur 1385/1965. On the problems of the edition see Gilliot, op. cit. There is another pupil of Abū Ḥudhayfa's called Abū Jaʿfar Muḥammad, namely Ibn Yaḥyā ibn Abī Samīna al-Dhuhlī (d. 239/ 853–4). See Mizzī, *Tahdhīb al-kamāl*, 7:278.

[27] Berg, "Competing Paradigms in the Study of Islamic Origins," 270.

one includes some variation,"[28] i.e., the wording and the position of the elements vary. The similarity between texts transmitted by different persons indicates that they derive from a common source while their differences suggest that they were not copied from each other. This provides evidence of a real transmission process. Who is the common source?

According to Berg, the common link in the *asānīd* and, hence, the common source of the texts is Abū Ẓabyān. This conclusion is questionable. The diagram shows al-Aʿmash as a partial common link by virtue of four *asānīd* which have him as common transmitter. His informant is Abū Ẓabyān. A single *isnād* goes back to the latter via another transmitter called Sulaymān. Scholars working with the *isnād-cum-matn* method become suspicious when they come across such a situation. This phenomenon is termed "spread of *asānīd*" by Joseph Schacht and Michael Cook and "diving" by G.H.A. Juynboll.[29] Schacht and Juynboll would reject the single transmission line as fictitious and consider al-Aʿmash – and not his informant Abū Ẓabyān – as the real common link.

In the case of Diagram 1, however, there is no spread of *asānīd* or diving. Berg considered Shuʿba's informant, Sulaymān, as someone different from al-Aʿmash, but they are one and the same. al-Aʿmash's full name is Sulaymān ibn Mihrān al-Aʿmash.[30] Shuʿba (or later transmitters) used his name (*ism*) instead of his nickname (*laqab*).[31] In the biographical literature no other Sulaymān is recorded as transmitter from Abū Ẓabyān.[32] The common link of the tradition is, therefore, the Kūfan scholar al-Aʿmash (d. 148/765–6). Accordingly, the tradition with elements 1 and 3 can be dated to the first half of the second/

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[28] Ibidem.

[29] J. Schacht, *The Origins Muhammadan Jurisprudence*, 164–169; M. Cook, *Early Muslim Dogma: A Source-Critical Study*, 109–111; G.H.A. Juynboll, "Some *Isnād*-Analytical Methods Illustrated on the Basis of Several Women-Demeaning Sayings from *Ḥadīth* Literature," 366, 375–377. For a critical discussion of the concepts of 'spread of *asānīd*' and 'dive' see Motzki, "Dating Muslim Traditions," 221, 223, 225, 229, 233–236.

[30] Mizzī, *Tahdhīb*, 3:300–303.

[31] The use of varying elements of a name by different transmitters is not exceptional. A famous example is Ibn Shihāb al-Zuhrī, who is quoted by some as Ibn Shihāb, by others as al-Zuhrī. See H. Motzki, "Der Fiqh des -Zuhrī: die Quellenproblematik," 7, 11; English edition: "The Jurisprudence of Ibn Shihāb al-Zuhrī," 8, 12 (chapter 1 of this volume).

[32] See Mizzī, *Tahdhīb*, 2:210 (s.v. Ḥuṣayn ibn Jundab).

eighth century. The singular element 2 that is found in only one variant must be ascribed to Shuʿba or a later transmitter, not to al-Aʿmash as Berg suggests. Strictly speaking, the *isnād-cum-matn* method reaches the end of its application at this point. Scholars who interpret the common link as the person who invented the tradition cannot go further. Hence, some of the scholars labelled by Berg as "sanguine" would stop at this point.

Berg, however, transgresses the barrier of the common link (Abū Ẓabyān, according to him) and claims that "there is no reason […] to believe that it [element 3, H.M.] does not go back to Ibn ʿAbbās himself,"[33] that is, to the alleged informant of the common link. In arguing this way, he seems to hint at a suggestion of mine concerning the interpretation of the common link. I suggested that the common link is only a *methodical* barrier. The fact that we cannot prove that the common link really received the tradition from the person he names as his informant does not necessarily mean that he invented it.[34] The possibility must be taken into account that the common link may be an early collector of traditions who actually received them from the informant he names or from someone else. The facts that a tradition is known only via him and that there are no other transmissions from his informant can be explained by assuming that the versions of other transmitters have not been preserved.[35]

With this suggestion, it is true, the realm of safe methodology is left. In order to decide whether a common link may be a transmitter or collector we need evidence. If there is no positive evidence available, we should refrain from making a judgment. Accepting negative evidence, e.g., the fact that no information to the contrary is available, would be too dangerous in view of the scarcity of the sources. In the case of al-Aʿmash his varied corpus of traditions preserved in later compilations and transmitted by several pupils can perhaps be taken as positive evidence of his being a collector and professional teacher of traditions. The *possibility* that he actually received the tradition from

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33 Berg, "Competing Paradigms in the Study of Islamic Origins," 270.

34 See Motzki, "*Quo vadis Ḥadīṯ*-Forschung?," 45–47; "Whither Ḥadīth Studies?," 51–54; idem, "*Ar-Radd ʿalā r-radd*," 148–151; "*Al-Radd ʿalā l-radd*," 210–214; idem, "Dating Muslim Traditions," 226.

35 Ibidem.

the Kūfan Abū Ẓabyān (d. between 89/708 and 96/714–5)[36] cannot be excluded. However, even if we take this possibility into account, we do not know whether Abū Ẓabyān really named Ibn ʿAbbās as his source or whether al-Aʿmash only guessed that he was the source.[37]

Berg notes that the traditions of the second and third groups also contain element 3, partially even an equivalent to element 1, and that they also refer to Ibn ʿAbbās. According to him, this would, for "sanguine" scholars, corroborate the belief that Ibn ʿAbbās is the common link of these elements. Finally, "sanguine" scholars will also accept positive Muslim judgments about the reliability of transmitters, in this case Abū Ẓabyān.[38] Now, I do not know which naive scholars he has in mind. Critical scholars, this much is certain, will first examine whether a common source can be established for the traditions of the other groups and whether Ibn ʿAbbās is really part of all of their *asānīd*. We shall see below that this is not the case. Critical scholars will also not accept the judgments of the Muslim *rijāl* criticism at face value. If they did, their efforts to develop their own methods of *ḥadīth* criticism would be senseless. Berg obviously confuses Muslim value judgments about transmitters with biographical information about them. There is a difference between both types of information: one seldom learns the criteria for ascribing a particular degree of reliability to a transmitter, but for other biographical information the source, e.g., a transmitter's pupil, is often given, which indicates that the information in question may have been transmitted from that pupil. To sum up: Contrary to what Berg claims, critical scholars using the *isnād-cum-matn* method of dating will not ascribe the al-Aʿmash – Abū Ẓabyān-tradition to Ibn ʿAbbās.

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[36] Mizzī, *Tahdhīb*, 2:210.

[37] Element 1 that is typical for al-Aʿmash's Abū Ẓabyān-tradition is also ascribed to al-Ḥasan al-Baṣrī (d. 110/728–9). Ṭabarī, *Jāmiʿ*, 14:83 quotes it with the *isnād* al-Muthannā – ʿAmr ibn ʿAwn – Hushaym – Manṣūr – al-Ḥasan. We will also come across the first part of this *isnād* (until the transmitter Hushaym) below in the traditions of groups two and three.

[38] Berg, "Competing Paradigms in the Study of Islamic Origins," 270.

The Traditions of Group Two

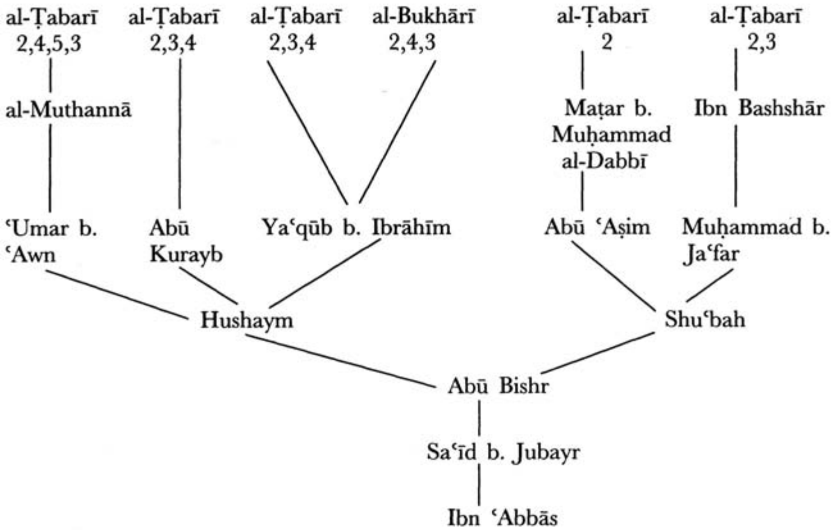


Diagram 2: Abū Bishr— Saʿīd b. Jubayr—(Ibn ʿAbbās)-*ḥadīths*

The *asānīd* of the second group of exegetical traditions of Qurʾān 15:90–91 go back via Abū Bishr to Saʿīd ibn Jubayr. Ṭabarī provides five *asānīd* and four *mutūn*, Bukhārī one version. Berg's Diagram 2 fails to show that Ṭabarī's transmission from Abū Kurayb and Yaʿqūb ibn Ibrāhīm is a combined one, that is, only one text is given from two different transmitters. That does not necessarily mean that originally the *mutūn* of both transmitters were completely identical. Similarity is often sufficient for this practice. The comparison with Bukhārī's version from Yaʿqūb ibn Ibrāhīm shows that Ṭabarī's *matn* is probably from Abū Kurayb because in Bukhārī's text element 5 (*fa-jaʿalūhu aʿḍāʾan aʿḍāʾan*) is missing.[39]

In contrast to the traditions of the first group, the *isnād* bundle of group two displays two partial common links: Hushaym with three links and Shuʿba with two. Yet the transmission lines of both partial common links have the form of spiders which, according to Juynboll, undermines the reliability of the partial common link phenomenon.

[39] See Ṭabarī, *Jāmiʿ*, 14:82. Berg's Diagram 2 does not show that because element 5 is missing from his depiction of Ṭabarī's *asānīd* from Abū Kurayb and Yaʿqūb ibn Ibrāhīm.

For scholars using the *isnād-cum-matn* method, however, the variety in textual structure indicates that that the variants were not forged by the collectors (Ṭabarī and Bukhārī) but rather that there was a real transmission process. Hence Hushaym and Shuʿba should be considered as true partial common links and Abū Bishr as the real common link. Berg also identifies him as the common link but he does not explain why. It seems that he does so only on the basis of the *isnād* structure, ignoring Juynboll's reservations about the spidery partial common links.

Berg duly remarks that the versions of both Hushaym and Shuʿba differ in *asānīd* and texts. Shuʿba's *isnād* stops with Saʿīd ibn Jubayr and his *matn* is shorter than Hushaym's. Shuʿba's text contains elements 2 and 3.[40] Hushaym's version "raises" the *isnād* a generation further to Ibn ʿAbbās and contains the additional textual elements 4 (*jazzaʾūhu*/they partitioned it) and 5 (*jaʿalūhu aʿḍāʾan*/they made it into pieces).[41] Both additional elements probably derive from Hushaym's transmission from al-Ḍaḥḥāk.[42] The difference in the *asānīd* between Shuʿba's and Hushaym's versions is not depicted in Berg's diagram. The diagram suggests that all traditions go back to Ibn ʿAbbās. This is not the case. Only Hushaym raised the *isnād* to Ibn ʿAbbās, as Berg correctly notes in his discussion of the diagram.

According to the rules of *isnād-cum-matn* analysis, only those elements which the *mutūn* and *asānīd* of the partial common links have in common can be considered as going back to the common source. That leads to the conclusion that the *matn* of the common link Abū Bishr Jaʿfar ibn Iyās al-Yashkurī (d. between 123/741 and 126/744)[43] contained elements 2[44] and 3,[45] and that Abū Bishr named only Saʿīd ibn Jubayr – and not Ibn ʿAbbās – as the source for his exegesis. This exegetical tradition can then safely be dated to the first quarter of the second/eighth century. Leaving this safe ground and asking whether

[40] Here we have proof that Shuʿba (not Sulaymān al-Aʿmash) is responsible for the unique occurrence of element 2 among the traditions of the first group. See above p. 240.

[41] Two transmissions from Hushaym have these two elements, that of ʿAmr (not ʿUmar) ibn ʿAwn and that of Abū Kurayb. See also note 39.

[42] Not only element 4 as Berg suggests.

[43] He originated from Baṣra and lived in al-Wāsiṭ. See Mizzī, *Tahdhīb*, 1:454–455.

[44] *hum ahl al-kitāb*/they are the People of the Book.

[45] *āmanū bi-baʿḍihi wa-kafarū bi-baʿḍihi*/they believed in some of it and disbelieved in some of it.

Abū Bishr invented or transmitted this exegetical tradition, I think that the possibility cannot be excluded that he really received the exegesis from Saʿīd ibn Jubayr (d. 95/713–4),[46] since Abū Bishr seems to be an early collector. Some of his transmissions, e.g., those allegedly going back to Mujāhid, are treated with reservation by Muslim *ḥadīth* critics, it is true, but not the texts ascribed by him to Ibn Jubayr.[47] A faint indication that at least element 3 might really go back to Saʿīd ibn Jubayr is the transmission of Ibn Jurayj, which will be discussed among the traditions of the following group. To sum up: Apart from several details, my analysis of the traditions of the second group coincides with that of Berg.

A comparison of the traditions brought together in groups one and two reveals that both are, at core, very similar. Abū Ẓabyān's tradition contains elements 1 and 3 and that of Saʿīd ibn Jubayr elements 2 and 3. Elements 1 and 2 are synonyms[48] and element 3 is almost identical in wording in both traditions.[49] How can this similarity be explained? There are two possibilities: First, both traditions may be dependent on each other, e.g., al-Aʿmash might have received it from Abū Bishr or Saʿīd ibn Jubayr[50] but he might have changed the *isnād* giving Abū Ẓabyān as his informant ('spread of *asānīd*'); second, and more probable, the similarity may be the result of the Kūfan origin of both versions. Abū Ẓabyān and Ibn Jubayr were both Kūfan scholars. Al-Aʿmash continued the teaching of this exegesis in Kūfa whereas Abū Bishr brought it to Baṣra (Shuʿba) and Wāsiṭ (Hushaym).[51]

[46] On him see H. Motzki, "Saʿīd ibn D̲jubayr."

[47] See Mizzī, *Tahdhīb*, 1:454–455. The reports say that he did not receive all his traditions directly from his alleged informants although this is suggested by the *asānīd* of his transmissions.

[48] Element 1 is *hum al-yahūd wa-l-naṣārā*/they are the Jews and the Christians, element 2 is *hum ahl al-kitāb*/they are the People of the Book.

[49] Abū Ẓabyān: *āmanū bi-baʿḍin wa-kafarū bi-baʿḍin*; Ibn Jubayr: *āmanū bi-baʿḍihi wa-kafarū bi-baʿḍihi.*

[50] According to the list of his teachers contained in Mizzī, *Tahdhīb*, 3:300–301, al-Aʿmash transmitted also from these two scholars.

[51] This is in agreement with the biographical evidence about Abū Bishr's places of teaching. See note 43.

The Traditions of Group Three

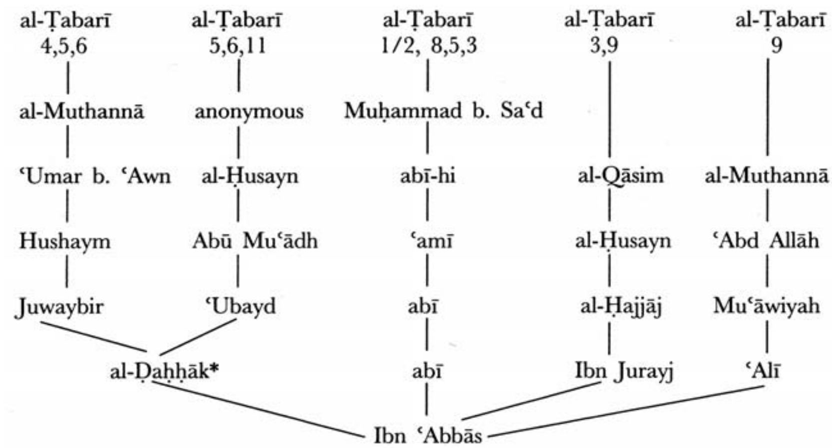


Diagram 3: Miscellaneous Ibn ʿAbbās-*ḥadīths*

The third group of traditions is a heterogeneous one because their *mutūn* differ considerably from each other. They were all transmitted by Ṭabarī. The most interesting ones from the point of the *isnād-cum-matn* method are the two variants that have al-Ḍaḥḥāk as common transmitter. Although the *asānīd* form a spider, the varying texts indicate a real transmission and al-Ḍaḥḥāk as the common link. The texts are: 1) *jazaʾūhu fa-jaʿalūhu aʿḍāʾan ka-aʿḍāʾi l-jazūr*/they partitioned it and thus made it into pieces like the pieces of the slaughtered camel (transmitted by Juwaybir), 2) *jaʿalū kitābahum aʿḍāʾan ka-aʿḍāʾi l-jazūr, wa-dhālika annahum taqaṭṭaʿūhu zuburan kullu ḥizbin bi-mā ladayhim fariḥūn*/they made their book into pieces like the pieces of the slaughtered camel, they cut it namely into pieces, each sect rejoicing in what is with them[52] (transmitted by ʿUbayd). The common textual elements of both variants can be ascribed to al-Ḍaḥḥāk: *fa-jaʿalūhu (kitābahum) aʿḍāʾan ka-aʿḍāʾi l-jazūr* (elements 5 and 6).

The *asānīd* also differ in that one tradition stops with al-Ḍaḥḥāk whereas the other one raises it to Ibn ʿAbbās. Unfortunately this is not recognizable in Diagram 3. Berg is certainly correct in assuming that the transmitter Hushaym may be responsible for the ascription to Ibn

[52] The last part is a paraphrase of Qurʾān 23:53 (and partly of 30:32).

ʿAbbās because he did the same in the case of Abū Bishr's tradition from Saʿīd ibn Jubayr.[53] Hence the two variants give us the exegesis of al-Ḍaḥḥāk ibn Muzāḥim (d. 105/723–4 or 106/724–5), who lived in Samarkand, Balkh and Nishapur.[54]

The other three strands do not seem to be suitable for the *isnād-cum-matn* analysis because there are no variants. Even so they deserve some remarks. Berg notes that the *matn* of the tradition transmitted by Ṭabarī from Muḥammad ibn Saʿd (d. 276/889) is eclectic, that its pure family *isnād* is exceptionally long and therefore suspect, and that Ibn Saʿd's exegetical traditions in Ṭabarī's *Jāmiʿ* have been controversial among Western scholars for a long time.[55] Yet a closer examination of the textual elements shows that most of them (1/2,5,8,) are also found in the traditions of group four (the Mujāhid-*aḥādīth*),[56] and that only element 3 belongs to group two or group one. Thus, the material is early and can be identified. The text of the tradition goes: *hum al-yahūd wa-l-naṣārā min ahl al-kitāb, qasamū l-kitāb fa-jaʿalūhu aʿḍāʾan, yaqūl aḥzāban, fa-āmanū bi-baʿḍin wa-kafarū bi-baʿḍ*/they are the Jews and the Christians from the People of the Book, they divided the Scripture and (as a result of this) made it bits, i.e., parts, and they believed in some and disbelieved in some.

Berg expressly notes of the two other traditions that they contain an element that belongs to Mujāhid's *aḥādīth*. Yet there is more to be said about them. The tradition going back to Ibn Jurayj is eclectic as well. It has element 3 (*kafarū bi-baʿḍ*/they disbelieved in some) of al-Aʿmash's (group one) or Abū Bishr's (group two) tradition and element 9 (*farraqū l-kitāb*/they separated the Book) of the exegesis ascribed to Mujāhid, which will be discussed below. Since there are no variants for Ibn Jurayj's tradition we do not know for sure whether or not it really goes back to him. Yet this is quite possible because several of his exegetical traditions are preserved in ʿAbd al-Razzāq's *Muṣannaf*

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[53] Berg, "Competing Paradigms in the Study of Islamic Origins," 272.

[54] Mizzī, *Tahdhīb*, 3:480–481.

[55] Berg, "Competing Paradigms in the Study of Islamic Origins," 272. See also H. Horst, "Zur Überlieferung im Korankommentar aṭ-Ṭabarīs," 294. Horst identifies Muḥammad ibn Saʿd as "*kātib* al-Wāqidī" (d. 230/844–5). Yet it is most probably Muḥammad ibn Saʿd ibn Muḥammad ibn al-Ḥasan ibn ʿAṭiyya al-ʿAwfī. See ʿUmar Riḍā Kaḥḥāla, *Muʿjam al-muʾallifīn*, 3:313.

[56] This is in agreement with F. Leemhuis' opinion on Ibn Saʿd's transmission. See "Origins and Early Development of the *Tafsīr* Tradition," 26.

and *Tafsīr*.[57] Berg does not mention that Ibn Jurayj (80/699–150/767) could not have received his tradition directly from Ibn ʿAbbās because he was born a decade after the latter's death. Ibn Jurayj was a student of ʿAṭāʾ ibn Abī Rabāḥ, an outstanding pupil of Ibn ʿAbbās. Besides this he is known as an avid collector of material ascribed to Ibn ʿAbbās and circulated by pupils other than ʿAṭāʾ and he is said to have transmitted (via Qāsim ibn Abī Bazza) parts of Mujāhid's exegesis.[58] Furthermore, the gap in the *isnād* supports the assumption that the tradition really goes back to Ibn Jurayj and that it was not forged by later transmitters, because they could easily have filled in the gap. This gap can be explained by the fact that, in this tradition, Ibn Jurayj combined elements from two different sources which he may not have had permission to transmit.

Since Ibn Jurayj does not give his sources for the tradition in question, a practice seldom found in his transmissions,[59] we may presume that in his time these elements of exegesis were already related to the name of Ibn ʿAbbās or, at least, that Ibn Jurayj was convinced that they derived from him. This is corroborated for element 3 by al-Aʿmash's tradition discussed above, which was ascribed to Ibn ʿAbbās. Mujāhid's element, on the contrary, was not originally ascribed to Ibn ʿAbbās as we shall see below. Yet it does not seem strange that Ibn Jurayj (or his contemporaries) did ascribe Mujāhid's element to Ibn ʿAbbās since Mujāhid was known as Ibn ʿAbbās's most erudite pupil in the field of qurʾānic exegesis. A similar explanation fits Ibn Jurayj's element 3, which most probably derives from Saʿīd ibn Jubayr's tradition and not

[57] On Ibn Jurayj's material in the *Muṣannaf* see H. Motzki, *Die Anfänge der islamischen Jurisprudenz. Ihre Entwicklung in Mekka bis zur Mitte des 2./8. Jahrhunderts*, 68–218; English edition *The Origins of Islamic Jurisprudence. Meccan Fiqh before the Classical Schools*, 75–244. On Ṭabarī's exegetical traditions with Ibn Jurayj in the *asānīd* see Horst, "Zur Überlieferung im Korankommentar aṭ-Ṭabarīs," 295. Horst thinks that the many exegetical traditions extant in Ṭabarī's *Jāmiʿ* probably go back to a *Tafsīr* of Ibn Jurayj which is ascribed to him in Muslim biographical and bibliographical literature. He agrees with Schacht's suggestion that the single strands leading from Ibn Jurayj to earlier authorities were fabricated by later transmitters. This assumption has been proven to be wrong in my study *Die Anfänge der islamischen Jurisprudenz; The Origins of Islamic Jurisprudence*.

[58] Without giving him as his source, probably because he had only a written copy without Ibn Abī Bazza's permission to transmit the work. For Ibn Jurayj's biography see Motzki, *Die Anfänge der islamischen Jurisprudenz*, 239–254; *The Origin of Islamic Jurisprudence s*, 268–285.

[59] See Motzki, *Die Anfänge der islamischen Jurisprudenz*, 57; *The Origins of Islamic Jurisprudence*, 60.

from the tradition ascribed to Abū Ẓabyān, since he does not seem to have transmitted from al-Aʿmash or Abū Ẓabyān but (indirectly and partly anonymously) from Saʿīd ibn Jubayr.[60]

The last tradition of group three whose *isnād* goes back via ʿAlī to Ibn ʿAbbās belongs to a complex of traditions that are very frequent in Ṭabarī's *Jāmiʿ*. They have a common link in ʿAbd Allāh ibn Ṣāliḥ al-Jahmī (d. 223/838) who always gives as *isnād* Muʿāwiya [ibn Ṣāliḥ] – ʿAlī [ibn Abī Ṭalḥa] – Ibn ʿAbbās.[61] This transmission line cannot be checked because no variants are available. Yet the biographical information about ʿAlī ibn Abī Ṭalḥa can give us a clue.[62] He is said to have died in 143/760–1. That means that he cannot have heard Ibn ʿAbbās. Not surprisingly, the critical Muslim *ḥadīth* scholars consider ʿAlī's transmission from Ibn ʿAbbās as *mursal*, i.e., indirect. They say that he received it from Mujāhid or Saʿīd ibn Jubayr.[63] This judgment is in agreement with the exegetical tradition we are discussing here. Its *matn* element (*firaqan*/portions) as an explantion of *ʿiḍīn* is indeed found in Ibn Abī Najīḥ's version of Mujāhid's exegesis.[64] Yet the latter did not ascribe it to Ibn ʿAbbās. The examination of ʿAlī ibn Abī Ṭalḥa's tradition thus corroborates the judgment of the Muslim *ḥadīth* critics who, besides, had a rather low opinion of his qualities as transmitter of *aḥādīth*.[65]

To sum up: The examination of the exegetical traditions combined in group three shows that with the *isnād-cum-matn* method only the two variants ascribed to al-Ḍaḥḥāk can be dated with some certainty. The latter can indeed be considered the author of the elements that both traditions have in common. For the other three traditions our method cannot be used because of the lack of variants. Nevertheless,

[60] See e.g. ʿAbd al-Razzāq ibn Hammām al-Ṣanʿānī, *al-Muṣannaf*, 6:11694; 7:13100; idem, *Tafsīr*, no. 301, 307, 1409 (for its editions see note 90).

[61] See Horst, "Zur Überlieferung im Korankommentar aṭ-Ṭabarīs," 293. The exegesis ascribed to Ibn Abī Ṭalḥa in later sources is collected in *Tafsīr Ibn ʿAbbās al-musammā ṣaḥīfat ʿAlī ibn Abī Ṭalḥa ʿan Ibn ʿAbbās*.

[62] See Mizzī, *Tahdhīb*, 5:262–263.

[63] Ibidem. See also Gilliot, "Exegesis of the Qurʾān: Classical and Medieval," 103. This is one of the many cases that show that biographical materials are not generally correlated with the *asānīd*, as Berg claims ("Competing Paradigms in the Study of Islamic Origins," 288). The modern collector of *Ṣaḥīfat ʿAlī ibn Abī Ṭalḥa* argues as follows: Since ʿAlī ibn Abī Ṭalḥa cannot have 'heard', i.e., studied with, Ibn ʿAbbās he must have come into possession of a manuscript written by the latter (*Tafsīr Ibn ʿAbbās al-musammā ṣaḥīfat ʿAlī*, 26).

[64] Here mostly found as *farraqū*.

[65] See Mizzī, *Tahdhīb*, 5:262–263.

based on other evidence such as biographical information and comparison with similar transmissions, we can conclude that the reference of these traditions to Ibn ʿAbbās is secondary or even spurious. The ascription to Ibn ʿAbbās can be dated to the second quarter of the second/eighth century (based on Ibn Jurayj's and ʿAlī ibn Abī Ṭalḥa's dates of deaths). Contrary to what Berg's Diagram 3 suggests, none of these traditions will be attributed to Ibn ʿAbbās by critical scholars.

The Traditions of Group Four

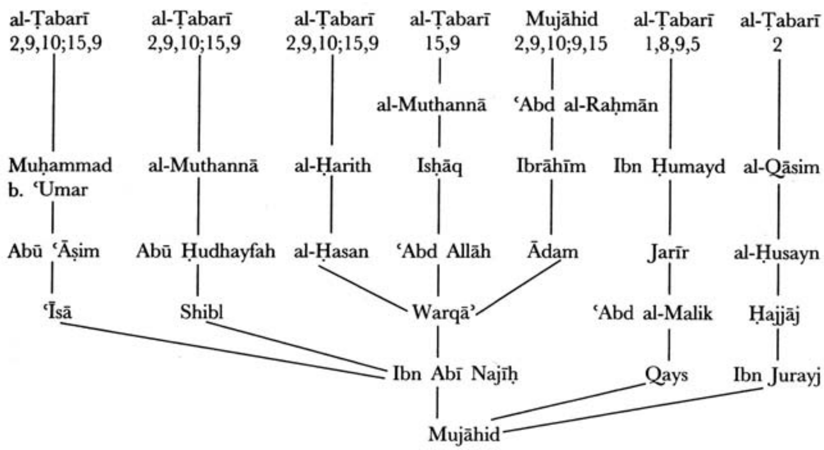


Diagram 4: Mujāhid-*ḥadīths*

All traditions collected in group four have *asānīd* going back to Mujāhid. According to Berg's Diagram 4, there are six traditions found in Ṭabarī's *Jāmiʿ* and one in the *Tafsīr Mujāhid*.[66] This seems to present a favourable situation for *isnād-cum-matn* analysis. A scholar experienced in using the method will be immediately struck by the

[66] The *Tafsīr Mujāhid* is a collection of exegetical traditions compiled by Ādam ibn Abī Iyās (d. 220/836 or 221/837). A part of the traditions goes back via Warqāʾ – Ibn Abī Najīḥ to Mujāhid. See Leemhuis, "Origins and Early Development of the *Tafsīr* Tradition," 20–21, and Motzki, "The Question of the Authenticity of Muslim Traditions Reconsidered," 232, n. 69. Berg identifies Ibn Shadhān (d. after 424/1033) as the final compiler ("Competing Paradigms in the Study of Islamic Origins," 277) but there is no internal evidence for this claim in the manuscript. The fact that he is the last person named in the chain of transmitters merely indicates that he is the last recorded transmitter. The collection has been edited by ʿAbd al-Raḥmān al-Ṭāhir Muḥammad al-Sūratī, Qatar 1976.

high consistency which three of Ṭabarī's transmissions show in the diagram. They all have the same textual elements in the same order. This is unusual in transmissions of three generations and could be an indication of internal dependency ('spread of *asānīd*'). Yet the simple explanation of the similarity between the texts is that the three transmissions are *asānīd* which are combined with one and the same text. Berg notes it summarily in his discussion of Diagram 4,[67] but it would have been desirable to depict this also in the diagram.[68] I mentioned already that such a combination of a *matn* with several *asānīd* does not necessarily mean that the texts of the separate transmissions were identical. In this case, too, the variant of the *Tafsīr Mujāhid*, varies from Ṭabarī's text, as will be shown below. Thus, the text given in the *Tafsīr Mujāhid* must be independent of Ṭabarī's transmission. This, in turn, suggests that there was originally also more variation between the transmissions available to Ṭabarī. I agree with Berg in that. He does not mention, however, that in contrast to the version given in the *Tafsīr Mujāhid*, Ṭabarī's tradition is divided into two separate parts which are quoted in different places. This was certainly done by Ṭabarī himself. The division enabled him to present the exegetical material in a more sophisticated manner. The *isnād* in the *Tafsīr Mujāhid* also varies from Ṭabarī's because it stops at Ibn Abī Najīḥ instead of at Mujāhid, but this may be due to a mistake made by a later transmitter.

The rendering of the textual elements in Berg's Diagram 4 is not accurate for Ṭabarī's traditions. Only the elements given for the first part of the tradition are correct (2,9,10). In this part three *asānīd* (those of Abū ʿĀṣim – ʿĪsā, al-Ḥasan – Warqāʾ, and Abū Ḥudhayfa – Shibl) are combined with a single text: *ahl al-kitāb fa-farraqūhu wa-baddalūhu*/the People of the Book, they separated it and altered it. The parallel in the *Tafsīr Mujāhid* is almost identical: *hum ahl al-kitāb fa-farraqūhu wa-baddadūhu*/they are the People of the Book, they separated it and divided it. The variant *baddadūhu* (they divided it) instead of Ṭabarī's *baddalūhu* (they altered it) seems, at first glance, to be a copyist error. Yet which of the two is the original version? Berg rightly suggests that it is most likely *baddadūhu*.[69] In addition to his argument that

[67] Berg, "Competing Paradigms in the Study of Islamic Origins," 272.
[68] Ṭabarī's informant for ʿĪsā's transmission is Muḥammad ibn ʿAmr (not ʿUmar).
[69] Berg, "Competing Paradigms in the Study of Islamic Origins," 277, note 25.

baddalūhu would be unique to Mujāhid, there is another piece of evidence for an original *baddadūhu*, namely the tradition going back to Qays, which will be discussed below. We can assume that a variant containing *baddadūhu* must also have existed among the three traditions that Ṭabarī transmits from Ibn Abī Najīḥ. Why did he not mention it? It is tempting to suspect that he preferred the reading *baddalūhu* for dogmatic reasons, connecting the passage with the issue of *taḥrīf*, i.e., tampering with the scriptures.[70] In this case the variant *baddalūhu* would not be a simple copyist error but a conscious change (*tabdīl*) to Ibn Abī Najīḥ's original text by Ṭabarī himself.[71]

In the second part of Ṭabarī's tradition in which four *asānīd* (those of ʿĪsā, Shibl, and the two of Warqāʾ) are combined with one text, the *matn* does not contain elements 15 and 9 as given in Berg's diagram but elements 16, 5, 14, 9, 16 (*siḥran aʿḍāʾa l-kutubi kullihā wa-Quraysh farraqū l-qurʾān qālū: huwa siḥr*[72]/sorcery, the parts of all books, and the Quraysh separated the Qurʾān saying: it is sorcery).[73] The text of the *Tafsīr Mujāhid* which corresponds to that part is a shorter and slightly different version that does not contain elements 9 and 15 as depicted in the diagram, but elements 14, 9, 16 (*wa-hum Quraysh farraqū l-qurʾān wa-qālū hādhā siḥr wa-shiʿr*/and they are the Quraysh who separated the Qurʾān and said: "This is sorcery and poetry").

Berg's assumption that the versions of both *Tafsīr Mujāhid* and Ṭabarī's *Jāmiʿ* are dependent on one another[74] is improbable in view of the differences which he obviously has overlooked. Even if the variety between the five versions discussed so far is somewhat limited due to Ṭabarī's combination of his transmissions, it is significant enough to justify the conclusion that the two textual transmissions are independent and that they were not copied from each other or, in the case of Ṭabarī's traditions, fabricated by himself. Their common elements must go back to a common source that is, according to the *asānīd*,

[70] See H. Lazarus-Yafeh, "Taḥrīf," and G.D. Nickel, "Muqâtil bin Sulaimân on the Verses of 'Tampering.'"

[71] It is of course possible that he was convinced that *baddadūhu* was a transmission error.

[72] Berg puts the whole phrase among the texts numbered 16, but this covers up the fact that it contains different themes and thus belongs not only to theme 3 but also to theme 1. See the table in the Appendix.

[73] Ṭabarī's *asānīd* contain an error: After ʿĪsā the words "*wa-ḥaddathanī al-Ḥārith*" are missing. This is obvious from the *asānīd* given by him for the first part of this tradition.

[74] Berg, "Competing Paradigms in the Study of Islamic Origins," 277.

Ibn Abī Najīḥ (d. 130/747–8 or 131/748–9), who named Mujāhid as his source. Therefore, we can safely ascribe the following *matn* to Ibn Abī Najīḥ: *ahl al-kitāb farraqūhu wa-baddadūhu wa-Quraysh farraqū l-qurʾān qālū huwa (hādhā) siḥr*/the People of the Book separated it and divided it [the Scripture], and the Quraysh separated the Qurʾān saying: it is sorcery.

Two additional traditions of Ṭabarī's that do not have Ibn Abī Najīḥ as transmitter seem to corroborate Mujāhid as the final authority of this exegesis. If the texts of these two traditions were identical or very similar to those going back to Ibn Abī Najīḥ one would suspect them of being "dives" or cases of "spread of *asānīd*," i.e., fictitious creations to by-pass the common link Ibn Abī Najīḥ.[75] Yet the texts differ considerably. The version of Ibn Jurayj only contains element 2 (*ahl al-kitāb*), which is also given by Ibn Abī Najīḥ, as we have seen. The tradition of Qays (ibn Saʿd al-Makkī)[76] at first glance seems to contain only one element of Ibn Abī Najīḥ's *matn* as reconstructed above: 9 (*fa-farraqūhu*). But a more careful examination shows that Qays' element 5 (*fa-jaʿalūhu aʿḍāʾan*/and they made it bits) is also found, at least partly (*aʿḍāʾ*), in Ṭabarī's transmission from Ibn Abī Najīḥ as shown above. That suggests that element 5 also belongs to the latter's original text. Instead of element 2 (*ahl al-kitāb*) Qays' text has element 1 (*hum al-yahūd wa-l-naṣārā*), which is unique in the traditions ascribed to Mujāhid but which is only a synonymous rendering of element 2. This type of difference is usual among transmissions having a common source living at the beginning of the second/eighth century.[77]

Finally, we find in Qays' tradition element 8 (*qasamū kitābahum*/they divided their Scripture) instead of element 10 (*wa-baddadūhu*/they divided it). This is also a synonymous expression that corroborates the conclusion that *baddadūhu* is original in Ibn Abī Najīḥ's transmission. Berg posits that Qays' tradition is suspect because it contains two non-Mujāhid elements.[78] This is unwarranted, as we have seen. Qays' tradition can be accepted as a reliable variant of Mujāhid's transmis-

[75] They are also not more developed, as dives should be according to Juynboll. See his "Some *Isnād*-Analytical Methods," 367–368.
[76] This is the only Qays known among the alleged pupils of Mujāhid, see Mizzī, *Tahdhīb*, 7:37.
[77] See Motzki, "Der *Fiqh* des -Zuhrī," 24–42; "The Jurisprudence of Ibn Shihāb al-Zuhrī," 24–45.
[78] Berg, "Competing Paradigms in the Study of Islamic Origins," 272.

sion since these two alleged non-Mujāhid elements are only synonyms of the respective elements found in the texts of other transmitters from Mujāhid. Although they are only similar and not identical, these elements corroborate Ibn Abī Najīḥ's tradition from Mujāhid, but we cannot decide which of the two versions – Ibn Abī Najīḥ's or Qays' – gives Mujāhid's original wording.

Now, on the basis of the transmissions of Ibn Abī Najīḥ, Qays and Ibn Jurayj we can establish the approximate text which probably derives from Mujāhid (d. between 100/718–9 and 104/722–3): *ahl al-kitāb* (transmitted by Ibn Abī Najīḥ and Ibn Jurayj), *farraqūhu* (Ibn Abī Najīḥ, Qays) *wa-baddadūhu (qasamū kitābahum) (wa-jaʿalūhu) aʿḍāʾan* (Ibn Abī Najīḥ, Qays)/the People of the Book separated it and divided it (their Scripture).[79] Mujāhid's exegesis is not ascribed to Ibn ʿAbbās.

This reconstruction of Mujāhid's text is corroborated by the traditions of Ibn Jurayj and ʿAlī ibn Abī Ṭalḥa of group three discussed above.[80] The gap in their *asānīd* going back to Ibn ʿAbbās must probably be filled with Mujāhid's name.[81] Both texts have element 9 (Ibn Jurayj *farraqū l-kitāb,* ʿAlī ibn Abī Ṭalḥa *firaqan*). The elements of the traditions which are only transmitted by Ibn Abī Najīḥ (*wa-Quraysh farraqū l-Qurʾān qālū huwa (hādhā) siḥr*/and the Quraysh separated the Qurʾān saying: it is sorcery) can be safely ascribed only to him and must be dated to the first third of the second/eighth century. The question whether this passage originally belonged to Mujāhid's *matn* as well cannot be decided owing to the lack of variants. The characteristic of Ibn Abī Najīh's version is that it interprets both *muqtasimīn* and *alladhīna jaʿalū l-qurʾān ʿiḍīn* as people 'who separated' (applying to both the 'People of the Book' and the Quraysh) and, in the case of the Quraysh, combines it with the notion of labelling the Qurʾān as sorcery. Ṭabarī adopts that interpretation for verse 91.[82] Whether this combination had already been made by Mujāhid remains unclear.

79 That *wa-jaʿalūhu aʿḍāʾ* must also have been part of Ibn Abī Najīḥ's text (although lacking in the *Tafsīr Mujāhid*) is proven by Qays' transmission from Mujāhid.

80 See above pp. 247–248.

81 In Ibn Jurayj's case, it must also be filled with Saʿīd ibn Jubayr's name, because Ibn Jurayj's element 3 is probably derived from Saʿīd's tradition. Ibn Jurayj's anonymous tradition from Ibn ʿAbbās is a mixed one. See above pp. 247–248.

82 Ṭabarī, *Jāmiʿ*, 14:88–89.

The Traditions of Group Five

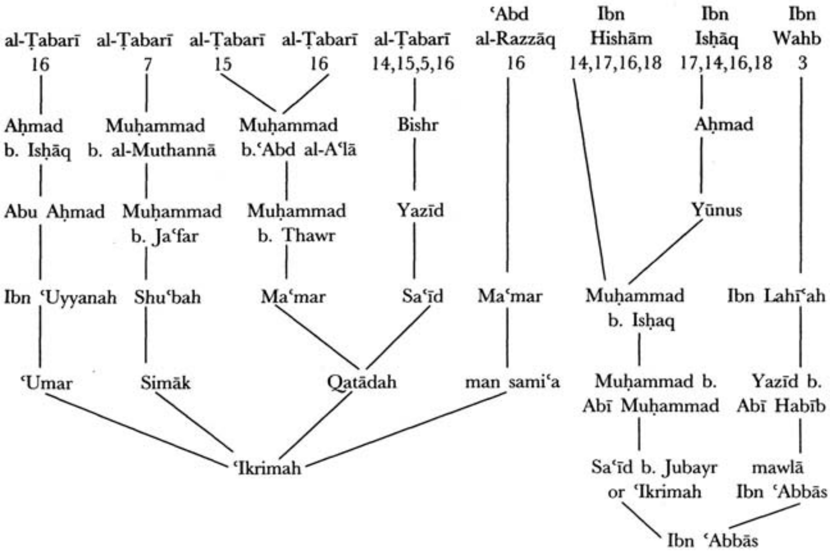


Diagram 5: ʿIkrimah *ḥadīths*

The traditions put together in group five have, according to Berg, a radically different interpretation of these verses.[83] This statement could be interpreted as meaning that he compiled group five not on the basis of the *asānīd* but on the *mutūn*. A closer look, however, shows that this is not the case. The tradition of Ibn Wahb does not fit the content of the others and is obviously placed in this group because of its *isnād*. Its *matn* belongs to the traditions of group one or two and would fit better in group three (miscellaneous Ibn ʿAbbās-*aḥādīth*). Ṭabarī's tradition with the *isnād* ending in Shuʿba – Simāk – ʿIkrima does not belong to the topics of the other traditions either. Thus it would be more accurate to say that group five consists on the one hand of traditions with *asānīd* ending with ʿIkrima (or Qatāda, as we shall see) and, on the other hand, of traditions going back to Muḥammad ibn Isḥāq. Finally, the exegesis of these two tradition complexes is not "radically different" for it is partly contained already in Ibn Abī Najīḥ's exegesis.

[83] Berg, "Competing Paradigms in the Study of Islamic Origins," 272.

The ʿIkrima and Qatāda Traditions

Berg's Diagram 5 suggests that six transmissions end with ʿIkrima. Yet only four do so, the other two stop with Qatāda. The transmission complex of ʿIkrima seems complicated and Berg desperately notes that "there are not enough related *ḥadīth*s or similarities to determine who heard what from whom."[84] Let us check whether the situation is actually hopeless. To clear up the matter I have compiled a list of what is ascribed to Qatāda and what to ʿIkrima.

Qatāda

1. a) *rahṭ khamsatin min Quraysh ʿaḍahū kitāb allāh*/a group of five (men) from the Quraysh slandered the Book of God. 1. b) *ʿaḍahū*[85] *kitāba llāh, zaʿama baʿḍuhum annahu siḥr, zaʿama baʿḍuhum annahu shiʿr, zaʿama baʿḍuhum annahu kahāna,*[86] *zaʿama baʿḍuhum annahu asāṭīr al-awwalīn*/they slandered the Book of God, some of them alleged that it is sorcery, some of them alleged that it is poetry, some of them alleged that it is soothsaying, some of them alleged that it is legends of the ancients. Both traditions are found in Ṭabarī's *Jāmiʿ* transmitted by Saʿīd (ibn Abī ʿArūba al-Baṣrī).[87] The first text explains the word *muqtasimīn*, the second one *ʿiḍīn*. Both traditions are parts of what was originally a single *ḥadīth* that Ṭabarī divided for reasons of presentation.[88] Hence I consider them as one tradition that explains both verse 90 and verse 91.

2) *ʿaḍahūhu wa-bahatūhu*[89] (they slandered it and libelled it) or *ʿaḍahūhu qāla bahatūhu* (they slandered it, he said: [that means] *bahatūhu* (they libelled it)). The first version was transmitted by Ṭabarī as an explanation of *ʿiḍīn* (via Muḥammad ibn Thawr from Maʿmar). The second one is found in ʿAbd al-Razzāq's *Tafsīr*,[90] who also names

[84] Berg, "Competing Paradigms in the Study of Islamic Origins," 274.

[85] *ʿaḍaw* on p. 86 of the edition of Ṭabarī's *Jāmiʿ* is probably a copyist error since on p. 84 and 97 *ʿaḍahū* is written in the same tradition. Yet *ʿaḍaw* can be used as a synonym of *ʿaḍahū*. See E.W. Lane, *An Arabic-English Lexicon*, s.v. *ʿḍh* and *ʿḍw*.

[86] Ṭabarī pointed out to his pupils that his source had *kāhin* instead of the more correct *kahānah*. Tabarī, *Jāmiʿ*, 14:86.

[87] Ibidem, 84, 86.

[88] This tradition was even much longer, as is proven by Ṭabarī's quotation of it in the context of his exegesis on Qurʾān 15:95. See *Jāmiʿ*, 14:97.

[89] *ʿaḍḍahūhu wa-bahhatūhu* is also possible.

[90] Ed. by Muṣṭafā Muslim Muḥammad, al-Riyāḍ 1410/1989, 2:350; ed. by ʿAbd al-Muʿṭī Amīn Qalʿajī, Beirut 1411/1991, 1:303; ed. by Maḥmūd Muḥammad ʿAbduh, Beirut 1419/1999, 2:261. ʿAbd al-Razzāq's *Tafsīr* was not consulted by Berg.

Maʿmar as his informant. The subject of "he said" in ʿAbd al-Razzāq's version must be Qatāda or Maʿmar. This version makes more sense than that of Muḥammad ibn Thawr.

3) *farraqūhu fa-qāla baʿḍuhum siḥr wa-qāla baʿḍuhum shiʿr*/they separated it, some of them said: "sorcery", some of them said: "poetry". This is also transmitted by Maʿmar in ʿAbd al-Razzāq's *Tafsīr* for *muqtasimīn*.[91]

It is clear from the difference between the three versions that they are independent transmissions. Version 2 seems to be a shortened one in comparison to the first tradition. The *hu* of *ʿaḍahūhu* which is found in Maʿmar's transmission is explained as *kitāb Allāh* in Saʿīd ibn Abī ʿArūba's variant. A problem is *farraqūhu* in the third version. It seems to contradict the first version. The problem is caused by Ṭabarī, who divided up the tradition of Saʿīd ibn Abī ʿArūba and made it an exegesis of verses 90 (*muqtasimīn*) and 91 (*ʿiḍīn*). But it is questionable whether the original intention of the tradition had also been to explain *muqtasimīn*. It is possible and it makes sense that Qatāda explained *muqtasimīn* with *farraqūhu* and *jaʿalū l-qurʾān ʿiḍīn* with *ʿaḍahūhu*. The combination of the idea of separating or dividing the Qurʾān with the idea of calling it sorcery and poetry is also found in Ibn Abī Najīḥ's version of Mujāhid's exegesis[92] and in the tradition ascribed to ʿAṭāʾ ibn Abī Rabāḥ.[93] Alternatively, but less probably, we must assume that Maʿmar or ʿAbd al-Razzāq erroneously ascribed Ibn Abī Najīḥ's exegesis to Qatāda.

The approximate *matn* that can safely be ascribed to Qatāda ibn Diʿāma (d. between 117/735 and 120/738) according to the rules of *isnād-cum-matn* analysis is: *ʿaḍahūhu (kitāb allāh) qāla (zaʿama) baʿḍuhum (annahu) siḥr, qāla (zaʿama) baʿḍuhum (annahu) shiʿr*/they slandered it (the Book of God), some said (claimed that) it is sorcery, some said (claimed that) it is poetry. There can be no doubt that the Quraysh are presumed to be the slanderers of the Qurʾān, although they are expressly named in only one of the three variants.[94] The typical feature of Qatāda's exegesis is the rendering of *jaʿala ʿiḍīn* as slandering, deriving *ʿiḍīn* from the root *ʿḍh*.

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[91] In M.M. ʿAbduh's edition *saqar* has to be emended by *shiʿr*.
[92] See above p. 252.
[93] See below pp. 258–259.
[94] Yet *rahṭ khamsatin min Quraysh* belongs to another story that most exegetes connect with Qurʾān 15:95.

ʿIkrima

1) *siḥran*/sorcery. This is transmitted by Ṭabarī via Ibn ʿUyayna from ʿAmr (ibn Dīnār).[95]

2) *ʿiḍah, siḥr bi-lisān Quraysh yaqulūna li-l-sāḥira ʿāḍiha* or *ʿiḍah, siḥr bi-lisān Quraysh taqūlu li-l-sāḥira innahā ʿāḍiha*/*ʿiḍah* [is a synonym for] *siḥr* (sorcery) in the language of the Quraysh who are calling the sorceress *ʿāḍiha*. The first version is anonymously transmitted from ʿIkrima by Maʿmar in ʿAbd al-Razzāq's *Tafsīr*. The second text is found in Ṭabarī's *Jāmiʿ* with the *isnād* Muḥammad ibn Thawr – Maʿmar – Qatāda – ʿIkrima.

3) *wa-l-ʿiḍīn bi-lisān Quraysh siḥr, yuqāl li-l-sāḥira ʿāḍiha*/and *ʿiḍīn* is [means] in the language of the Quraysh sorcery, the sorceress is called *ʿāḍiha*. This is another version of Maʿmar found in the *Kitāb al-Maghāzī* of ʿAbd al-Razzāq's *Muṣannaf*. As in ʿAbd al-Razzāq's *Tafsīr*, Maʿmar's informant is not named (*man samiʿa ʿIkrima*/someone who heard ʿIkrima).

According to the *asānīd* Maʿmar is a common link of the ʿIkrima-traditions. The texts do not show a dependence on each other and their common elements must go back to Maʿmar as the common source. Did Maʿmar invent them? The fact that ʿAbd al-Razzāq transmits this tradition of Maʿmar anonymously from ʿIkrima, although in several other texts he names Qatāda as Maʿmar's informant for ʿIkrima traditions,[96] suggests that Maʿmar did not name Qatāda in this transmission. Muḥammad ibn Thawr (or the transmitter from him) is likely to have filled the gap in the *isnād* by identifying Maʿmar's anonymous transmitter as Qatāda.

It can be concluded from these two transmissions that Maʿmar (d. 153/770) ascribed to ʿIkrima the exegesis that *ʿiḍah* and its plural *ʿiḍīn* meant *siḥr* in the dialect of the Quraysh and that they used to call a sorceress *ʿāḍiha*.[97] Because of the gap in the *isnād*, it is not likely that Maʿmar invented this. He probably has it from the generation of his teachers. Since he does not give the name of his informant the possibility cannot be excluded that it was ʿAmr ibn Dīnār (d. 126/743–4),

[95] Not ʿUmar as in Berg's Diagram 5.

[96] See, e.g., ʿAbd al-Razzāq, *Muṣannaf*, 6:11123; 7:12012, 12787; but also Maʿmar – Qatāda – rajul – ʿIkrima, 7: 12564. This is evidence of Maʿmar's meticulousness in giving his *isnād*.

[97] Wansbrough would classify this as a case of "masoretic exegesis" and date it to the third/ninth century. See below pp. 290–296.

the alleged informant of Ibn ʿUyayna, and not Qatāda as is claimed in Muḥammad ibn Thawr's *isnād*. In this case ʿAmr ibn Dīnār would be the common link instead of ʿIkrima. We can, therefore, conclude that ʿIkrima's exegesis can be dated into the generation of Maʿmar's and Ibn ʿUyayna's teachers, that is, the first quarter of the second/eighth century. This conclusion is methodologically safe. Yet since the first major collectors and professional teachers of traditions came from the generation of scholars like ʿAmr ibn Dīnār and Qatāda, the *possibility* cannot be excluded that the exegesis transmitted by Maʿmar and Ibn ʿUyayna as being that of ʿIkrima (d. between 104/722–3 and 106/724–5) really derives from him. The hypothetical text of his exegesis that could then be reconstructed on the basis of the two transmissions dwindles to the word *siḥr* (sorcery).[98]

The comparison between Qatāda's exegesis and that ascribed to (or possibly derived from) ʿIkrima shows that they differ. It is only known from ʿIkrima that he explained the word *ʿiḍīn* as *siḥr* (sorcery) with reference to the dialect of the Quraysh. Qatāda, by contrast, explains the whole of verse 91 and interprets *jaʿalū l-Qurʾān ʿiḍīn* as 'they slander it/the Book of God' (*ʿaḍahūhu/ kitāb Allāh*) by calling it *siḥr* (sorcery) or *shiʿr* (poetry). What they have in common is that both derive the word *ʿiḍīn* from the root *ʿdh*. As we have seen, both interpretations are to be dated roughly to the same period.[99]

A tradition ascribed to ʿAṭāʾ ibn Abī Rabāḥ (d. 115/734) is similar in content to Qatāda's exegesis but varies in wording. Ṭabarī quotes it with the *isnād* Aḥmad ibn Isḥāq – Abū Aḥmad – Ṭalḥa – ʿAṭāʾ. An earlier variant is also contained in ʿAbd Allāh ibn Wahb's *Jāmiʿ*. The latter transmits it directly from Ṭalḥa. Ibn Wahb's text is: *mushrikūn min Quraysh, ʿaḍaw*[100] *al-qurʾān aʿḍāʾan ajzāʾan fa-qāla baʿḍuhum sāḥir wa-qāla baʿḍuhum majnūn wa-qālū kāhin, fa-dhālika ʿiḍīn*.[101] Ṭabarī's *matn* differs slightly: *mushrikūn min Quraysh, ʿaḍaw al-qurʾān fa-jaʿalūhu ajzāʾan, fa-qāla baʿḍuhum sāḥir wa-qāla baʿḍuhum shāʿir*

[98] This is also the exegesis of al-ʿAṭṭāf ibn Khālid (d. after 170/786) as transmitted by Ibn Wahb. See Ibn Wahb, *Al-Ǧāmiʿ. Tafsīr al-Qurʾān (Die Koranexegese)*, ed. Miklos Muranyi, Wiesbaden 1993, 240 (fol. 8b, 7–8).

[99] According to Wansbrough's typology they belong to different types of exegesis, Qatāda's explanation is haggadic, that of ʿIkrima masoretic and, hence, they cannot derive from the same time. See below p. 290.

[100] Or *ʿaḍḍū*.

[101] Ibn Wahb, *al-Ǧāmiʿ. Tafsīr al-Qurʾān (Die Koranexegese 2)*, 182 (fol. 13b, 22–24).

wa-qāla baʿḍuhum majnūn, fa-dhālika ʿiḍūn[102]/the polytheists of the Quraysh, they separated the Qurʾān and made it bits; some of them said: "a sorcerer", some of them said: "a poet", some of them said: "someone possessed by a *jinn*", that is [the meaning] of *ʿiḍūn*. Ṭalḥa (ibn ʿAmr al-Makkī) (d. 152/769)[103] is the common link of the tradition. According to my understanding of the common link in this generation of transmitters, we must take into account the possibility that he really received it from ʿAṭāʾ. But there are two pieces of evidence that raise doubts about Ṭalḥa's reliability. First, it is strange that ʿAṭāʾ's exegesis was not also transmitted from his most important student Ibn Jurayj, who studied with him for almost two decades.[104] Secondly, Ṭalḥa had a good reputation among his peers but later *ḥadīth* critics were rather negative about his transmission of *aḥādīth*.[105] Neither piece of evidence necessarily proves that Ṭalḥa falsely ascribed this exegesis to ʿAṭāʾ: on the one hand, it is improbable that the corpus of Ibn Jurayj's transmissions from ʿAṭāʾ that has been preserved is complete and, on the other hand, we do not know which traditions and criteria the judgment of the critical Muslim *ḥadīth* scholars is based on. Nevertheless these pieces of evidence weaken Ṭalḥa's ascription of the exegesis to ʿAṭāʾ.

Among the exegetical *aḥādīth* that Ṭabarī presents on Qurʾān 15:90–91 and that Berg has compiled in Diagram 5, there is one tradition ascribed to ʿIkrima that is unique and seems to contradict the others. It has the *isnād* Muḥammad ibn al-Muthannā – Muḥammad ibn Jaʿfar – Shuʿba – Simāk – ʿIkrima and explains verse 91 *alladhīna jaʿalū l-qurʾāna ʿiḍīn* with *kānū yastahziʾūna, yaqūlu hādhā: lī sūratu l-baqara wa-yaqūlu hādhā: lī sūratu āl ʿImrān*/they used to mock, this one said: "for me is Sūra 'The Cow' [authoritative?]," and that one said: "for me [it?] is Sūra 'The Family of ʿImrān'." Berg passes over the contradiction between the exegeses ascribed to ʿIkrima in silence. When testing the *isnād-cum-matn* analysis carefully such problems must not be ignored. Is there a solution to the contradiction?

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[102] Ṭabarī, *Jāmiʿ*, 14:86. Berg mentions this text in his table of "Key phrases and concepts" but does not include the tradition in his discussion. It would fit in his sixth group of "Miscellaneous *ḥadīths*."

[103] Mizzī, *Tahdhīb*, 3:512.

[104] See Motzki, *Die Anfänge der islamischen Jurisprudenz*, 242–242; *The Origins of Islamic Jurisprudence*, 271.

[105] Mizzi, *Tahdhīb*, 3:511–512. In this context *aḥādīth* probably means traditions from and about the Prophet, not exegetical traditions.

First we must examine whether there is a real or only a superficial contradiction. According to Maʿmar, ʿIkrima interpreted the word *ʿiḍīn* of the verse as *siḥr* (sorcery) but, according to Simāk's tradition, he interpreted the whole verse with *kānū yastahziʾūna* (they used to mock). The discussion of the traditions belonging to group five has shown that the concept of sorcery belongs to the interpretation of verse 91 as 'those who slander' the Qurʾān. Qatāda expressly makes this connection. Now, slandering does not differ so dramatically from mocking that it could not be combined with the concept of sorcery, and both explanations could derive from the same exegete. It seems, however, that in Simāk's ʿIkrima-tradition the mocking is interpreted as 'dividing' the Qurʾān. The combination of dividing the Qurʾān and labelling it as sorcery is found in the exegesis of Ibn Abī Najīḥ and Ṭalḥa *ʿan* ʿAṭāʾ ibn Abī Rabāḥ.[106] A very similar opinion as that expressed in Simāk's text is transmitted from Suddī (d. 128/745).[107]

According to the rules of the *isnād-cum-matn* analysis, we can only state that Maʿmar's and Ibn ʿUyayna's informant(s) ascribed the interpretation 'sorcery' to ʿIkrima, and that a single tradition going back to Simāk also ascribed to him the exegesis 'dividing'. Since variants for Ṭabarī's tradition from Simāk are missing, it cannot be safely dated. Exegetical traditions from Simāk (ibn Ḥarb) *ʿan* ʿIkrima are not only found in Ṭabarī's *Jāmiʿ* but also in ʿAbd al-Razzāq's *Tafsīr*, although here they are transmitted by ʿAbd al-Razzāq mostly via Isrāʾīl ibn Yūnus[108] and not via Shuʿba. We can perhaps conclude from the different transmission lines going back to Simāk ibn Ḥarb that he is a common link in ʿIkrima transmissions. But this gets us nowhere for the tradition in question. If we look for other traditions ascribed to ʿIkrima which may be related to our topic, his exegesis of *mustahziʾīn* in Qurʾān 15:95 may give us a clue. It was transmitted by Ibn ʿUyayna from ʿIkrima

[106] See above pp. 253, 258–259.

[107] *Qāla [al-Suddī]: qasamū l-qurʾān wa-stahzaʾū bihi fa-qālū: dhakara Muḥammad al-baʿūḍ wa-l-dhubāb wa-l-naml wa-l-ʿankabūt fa-qāla baʿḍuhum: anā ṣāḥib al-baʿūḍ, wa-qāla ākhar: anā ṣāḥib al-naml, wa-qāla ākhar: anā ṣāḥib al-ʿankabūt; wa-kāna l-mustahziʾūna khamsa…*/[al-Suddī] said: "They divided the Qurʾān and mocked on it. They said: 'Muḥammad mentioned the gnats, the flies, the ants, and the spiders;' one of them said: 'I am the owner of the gnats,' another said: 'I am the owner of the ants,' another said: 'I am the owner of the spiders.' The mockers were five…" (here follow the names). See Ibn Ḥajar, *Fatḥ al-bārī*, 8:488 (quoting Ibn Abī Ḥātim).

[108] 15 traditions are transmitted via Isrāʾīl (all of them except two end with Ibn ʿAbbās), two via Thawrī (one of them ends with Ibn ʿAbbās).

again via ʿAmr ibn Dīnār[109] and connects the word *mustahziʾīn* with the story of the five men from the Quraysh who mocked Muḥammad: *hum khamsa, kulluhum halaka qabla yawmi Badr*/they were five, each of them died before the day [i.e. the battle] of Badr.[110] Although the reproach of sorcery does not play a role in the story, its content better fits the concept of sorcery than of dividing the Qurʾān.[111] Hence Maʿmar's and Ibn ʿUyayna's traditions about ʿIkrima's exegeses seem to be compatible with each other, whereas Simāk's tradition is incompatible with them. We must, therefore, conclude that the latter is suspect. Yet, since we are not able to prove that the traditions ascribed to ʿIkrima by Maʿmar and Ibn ʿUyayna really derive from him and we can only date them to the generation between them, we cannot conclude that Simāk's tradition is wrong, i.e., that it cannot go back to ʿIkrima. We can only cautiously state that Simāk's version differs from the mainstream of exegetical opinions on verse 91 that are ascribed to ʿIkrima in the first quarter of the second/eighth century.

Ibn Isḥāq's Tradition

Apart from the Qatāda- and ʿIkrima-traditions Berg also included in group five two variants of a text found in Ibn Hishām's *Sīra* and Aḥmad ibn ʿAbd al-Jabbār al-ʿUṭāridī's *Kitāb al-Maghāzī*. It is a long story about a conversation between al-Walīd ibn al-Mughīra, one of the leaders of the Quraysh, and other men of that tribe about Muḥammad and his claim to be a prophet. The core subject of the conversation is how the Quraysh must explain Muḥammad's preaching in Mecca to the Arabs coming to the town for the pilgrimage (*ḥajj*). Several options are discussed: Muḥammad was possessed by a spirit (*jinn*), he was a soothsayer, a poet and a sorcerer. This last option is the interpretation that al-Walīd prefers. At the end of the story reference is made to two passages of the Qurʾān which are said to have been revealed in connection with al-Walīd and the event in question.

[109] ʿAbd al-Razzāq, *Tafsīr*, al-Riyāḍ 1410/1998, 2:352; Ṭabarī, *Jāmiʿ*, 14:96. Ibn ʿUyayna is the common link since both ʿAbd al-Razzāq and Ibn Wakīʿ transmit the tradition from him with a varying text.

[110] Then the names of the five men are given, among them al-Walīd ibn al-Mughīra.

[111] Saʿīd ibn Abī ʿArūba's transmission from Qatāda expressly combines both slandering of the Qurʾān and the story of the five men from Quraysh. See Ṭabarī, *Jāmiʿ*, 14:97.

Berg gives a translation of Ibn Hishām's version of the tradition[112] but does not linger over its transmission history, as if there were no problem in this case. But since we are dealing here with *asānīd* and *mutūn* just as in other traditions, these two variants deserve the same critical discussion. As will be seen in the following, such an endeavour can be rewarding.

Ibn Hishām's version is based on the transmission of Ziyād ibn ʿAbd Allāh al-Bakkāʾī from Muḥammad ibn Isḥāq. This is not marked in Diagram 5. The other version is that of Yūnus ibn Bukayr from the same Ibn Isḥāq (d. 150/767). According to the *asānīd* the latter is the common link. According to Berg's diagram the order of the textual elements varies in the two transmissions (Ibn Hishām 14, 17, 16, 18; Aḥmad al-ʿUṭāridī 17, 14, 16, 18), but this is not so. Both *mutūn* are, apart from copyist errors and comments added by Ibn Hishām, almost identical. Since both *mutūn* are rather long the near identity of both texts could give rise to the suspicion that one was copied from the other and hence there may be a 'spread of *asānīd*.'

It is not possible to determine whether this is the case by studying the tradition in question on its own. The complete works of Ibn Hishām and Aḥmad ibn ʿAbd al-Jabbār al-ʿUṭāridī[113] – or at least larger parts of their transmissions – need to be compared. Even a cursory comparison shows that both compilations vary considerably from each other.[114] Hence, the similarity of single traditions found in both of them cannot be explained by assuming that one work was the source for the other and was only provided with glosses by later editors. It would be better to see this similarity, which is also conspicuous in the tradition we are discussing here, as the result of a more sophisticated method of recording and transmitting the lectures of scholars that developed in the course of the second half of the second/eighth century and which frequently resulted in more concurrent transmissions.[115] After these

[112] I have reproduced it in the Appendix, p. 302.
[113] On ʿUṭāridī's compilation see M. Muranyi, "Ibn Isḥāq's *Kitāb al-Maġāzī* in der *riwāya* von Yūnus ibn Bukair. Bemerkungen zur frühen Überlieferungsgeschichte."
[114] See also S.M. Al-Samuk, *Die historischen Überlieferungen nach Ibn Isḥāq. Eine synoptische Untersuchung*, 17–34, 43–69, 94–98.
[115] Compare the frequent and marked differences between the transmissions from Zuhrī by his pupils Maʿmar, Ibn Jurayj and Mālik (first half of the second/eighth century) with the very slight variances between the transmissions from Mālik by students of his like Yaḥyā ibn Yaḥyā and Shaybānī (second half of the second/eighth century). See Motzki, "Der Fiqh des -Zuhrī," 24–42; "The Jurisprudence of Ibn Shihāb al-Zuhrī," 30–45.

general remarks about the two works in which most of the material is ascribed to Ibn Isḥāq[116] we shall have a closer look at the traditions they contain concerning the exegesis of Qurʾān 15:90–91.

The two variants differ on an important point: the *isnād*. Berg's Diagram 5 suggests that in both transmissions Muḥammad ibn Isḥāq gives the *isnād* Muḥammad ibn Abī Muḥammad – Saʿīd ibn Jubayr or ʿIkrima – Ibn ʿAbbās. This is not so. Ibn Hishām does not give any *isnād* for the story, only Aḥmad ibn ʿAbd al-Jabbār does. How can the difference be explained? Berg does not tackle the issue of the *isnād* and merely states that "nothing definite can be said, but certainly the last portion of the *isnād* is suspect."[117] He does not explain what he means by "last portion" (Saʿīd ibn Jubayr/ʿIkrima – Ibn ʿAbbās or only Ibn ʿAbbās) and why it is suspect. There are two possibilities to explain the fact that only one transmission gives an *isnād* for the story: on the one hand, the *isnād* could have been added by the transmitters Yūnus ibn Bukayr or Aḥmad ibn ʿAbd al-Jabbār or, on the other hand, Ibn Hishām or his source Bakkāʾī could have omitted it. There are arguments in favour of the last option.

In Yūnus ibn Bukayr's transmission of Ibn Isḥāq's "Life of the Prophet" we find this *isnād* twice.[118] The second tradition concerns the date when the Qibla changed from Jerusalem (the text has Shām, i.e., Syria) to the Kaʿba. It is also extant in Ibn Hishām's compilation, here placed in a series of stories concerning the Jews which is introduced by the following *isnād*: a *mawlā* of the family of Zayd ibn Thābit – ʿIkrima or Saʿīd ibn Jubayr – Ibn ʿAbbās.[119] This is the same *isnād* as that given by Yūnus ibn Bukayr, the only difference being that Ibn Hishām does not give the name of Ibn Isḥāq's informant but only labels him "a *mawlā* of the family of Zayd ibn Thābit." We can conclude from the two variants that Muḥammad ibn Abī Muḥammad was that *mawlā*.[120]

116 In Ibn Hishām's recension almost all the material is ascribed to Ibn Isḥāq. In Aḥmad's compilation, by contrast, only 62% is said to derive from him. See Muranyi, "Ibn Isḥāq's *Kitāb al-Maġāzī* in der *riwāya* von Yūnus ibn Bukair," 218.

117 Berg, "Competing Paradigms in the Study of Islamic Origins," 274.

118 Ibn Isḥāq, *Sīra*, ed. by Muḥammad Ḥamīdullāh, 131–132, no. 196, and p. 279, no. 473.

119 Ibn Isḥāq, *Sīrat rasūl allāh*, ed. Ferdinand Wüstenfeld, 376–400 (256–270). His story is interspersed with a few traditions from others. The pages in brackets refer to the translation by Alfred Guillaume, *The Life of Muhammad*.

120 This is in agreement with the sparse information about him found in Muslim biographical literature. See Mizzī, *Tahdhīb*, 6:499.

In Ibn Hishām's collection of Ibn Isḥāq's material there are other traditions that go back to the *mawlā* of Zayd ibn Thābit. One of them is the fantastic story about the negotiations between the leaders of the Quraysh and the Prophet, which has several parts: Abū Jahl's attempt to murder him, the speech of al-Naḍr ibn al-Ḥārith, the delegation that the Quraysh sent to the Jewish rabbis of Medina questioning them about Muḥammad, and the answers they came back with.[121] As in the case of the tradition about al-Walīd's conversation, this series of stories is accompanied by references to qurʾānic verses that allegedly were revealed as a reaction to the events reported (*asbāb al-nuzūl*). There are two reasons why Muḥammad ibn Abī Muḥammad must be considered the transmitter of these stories: the *isnād* and the content. In Ibn Hishām's compilation Ibn Isḥāq gives the *isnād*: *ḥaddathanī baʿḍu ahl al-ʿilm ʿan Saʿīd ibn Jubayr wa-ʿan*[122] *ʿIkrima, mawlā Ibn ʿAbbās, ʿan ʿAbd Allāh ibn ʿAbbās* (a traditionist told me from Saʿīd ibn Jubayr and from ʿIkrima, the client of Ibn ʿAbbās, from ʿAbd Allāh ibn ʿAbbās). Yūnus ibn Bukayr's version of the *isnād* reads: *ḥaddathanī shaykh min ahl Makkah qadīm mundhu biḍʿin wa-arbaʿīn sanatan ʿan ʿIkrima ʿan Ibn ʿAbbās* (an old man of the people of Mecca transmitted to me more than forty years ago from ʿIkrima from Ibn ʿAbbās).[123] In Ibn Hishām's version the *isnād* is very similar to that given by Muḥammad ibn Abī Muḥammad in the traditions transmitted in his name by Yūnus ibn Bukayr and to other traditions ascribed to the *mawlā* of Zayd ibn Thābit by both Ibn Hishām and Aḥmad ibn ʿAbd al-Jabbār al-ʿUṭāridī. Hence it seems reasonable to assume that the Meccan *shaykh* or *ʿālim* is Muḥammad ibn Abī Muḥammad, the *mawlā* of Zayd ibn Thābit. Ibn Bukayr (or the transmitter from him, Aḥmad ibn ʿAbd al-Jabbār al-ʿUṭāridī) only forgot to mention Saʿīd ibn Jubayr in the *isnād*.

An important corroboration of this conclusion is found in the text itself of this other tradition ascribed via ʿIkrima and/or Ibn Jubayr to Ibn ʿAbbās. The speech put into the mouth of al-Naḍr ibn al-Ḥārith, another leading opponent of Muḥammad, repeats in a sort paraphrase

[121] Ibn Isḥāq, *Sīrat rasūl allāh*, 187–202 (133–141).
[122] Since this *isnād* is usually quoted as Saʿīd ibn Jubayr *aw* ʿIkrima, *wa* is probably an error of transmission.
[123] Ibn Isḥāq, *Sīra*, 131, no. 254. It does not make sense to assume that Yūnus ibn Bukayr invented this unusual *isnād* that, on the one hand, gives the informant's place of abode and the approximate date when the tradition was received and, on the other hand, lacks the name of Saʿīd ibn Jubayr. It seems more plausible to assume that Ibn Isḥāq did not always quote the *isnād* in question in the same manner.

the gist of the story about al-Walīd ibn al-Mughīra's conversation and its consequences.[124] This shows that the same story-teller must be at work. The differences in the *asānīd* which Ibn Isḥāq's transmissions from this man show can be explained by the assumption that in his lectures he sometimes gave the name of his informant (i.e., Muḥammad ibn Abī Muḥammad) but usually only labelled him "a *mawlā* of Zayd ibn Thābit," or "one of the *ahl al- ʿilm*," i.e., traditionists, or "a shaykh of the Meccans," and that Ibn Isḥāq's students, knowing the identity of the informant in question, followed this practice.

Be that as it may, together with the other traditions of this *ʿālim/shaykh/mawlā* Muḥammad ibn Abī Muḥammad extant in Ibn Hishām's version of Ibn Isḥāq's *Sīra*[125] the picture emerges of a story-teller

[124] As the context clearly shows, his speech is not intended as a defence of the Prophet – as Berg says ("Competing Paradigms in the Study of Islamic Origins," 273, n. 19) – but as a call to action against him. John Wansbrough aptly describes the speech as a "jibe." See *The Sectarian Milieu. Content and Composition of Islamic Salvation History*, 3. The third text of Ibn Hishām's compilation where Muḥammad is again accused of being a poet, sorcerer, diviner, and of being possessed (Ibn Isḥāq, *Sīrat rasūl allāh*, 183 (130)) is one of Ibn Isḥāq's many summarizing passages with which he usually introduces new units of traditions. This text is dependent on the story about al-Walīd ibn al-Mughīra.

[125] See Ibn Isḥāq, *Sīrat rasūl allāh*, 371 ff (252 ff), 376 (256 f), 378 (257), 545 (363), 642 (429). Ibn Hishām seems to have systematically omitted the name of Muḥammad ibn Abī Muḥammad from his *asānīd*, in contrast with other transmitters from Ibn Isḥāq. As mentioned above, Yūnus ibn Bukayr gives his name at least sometimes. In the fragment preserved from the transmitter Muḥammad ibn Salama the *isnād mawlā āl* Zayd ibn Thābit – Saʿīd ibn Jubayr *aw* ʿIkrima – Ibn ʿAbbās is given at places where Ibn Hishām does not quote any *isnād*. Compare Ibn Isḥāq, *Sīra*, 294, no. 497 with Ibn Isḥāq, *Sīrat rasūl allāh*, 383 (260). Another transmitter from Ibn Isḥāq, Salama ibn al-Faḍl, may also have quoted this *isnād* more frequently in his transmission, which is only preserved in quotations by Ṭabarī in his *Taʾrīkh*. Unfortunately the traditions of Muḥammad ibn Abī Muḥammad are absent in it. In his *Tafsīr* Ṭabarī quotes several traditions with the *isnād* Muḥammad ibn Ḥumayd (or Abū Kurayb) – Salama ibn al-Faḍl – Muḥammad ibn Isḥāq – Muḥammad ibn Abī Muḥammad – Saʿīd ibn Jubayr or ʿIkrima (sometimes only "*rajul*") – Ibn ʿAbbās that are derived from Ibn Isḥāq's *Sīra* (see Horst, "Zur Überlieferung im Korankommentar aṭ-Ṭabarīs," 303; H. Berg, *The Development of Exegesis in Early Islam*, 147). Marco Schöller assumes that this *isnād* was added later to the material (*Exegetisches Denken und Prophetenbiographie. Eine quellenkritische Analyse der Sīra-Überlieferung zu Muḥammads Konflikt mit den Juden*, 168). This seems to be too rash a conclusion. We must first know how many traditions ascribed to Muḥammad ibn Abī Muḥammad (including those where his name is not expressly given in the *asānīd*) were contained in Ibn Isḥāq's original material. This is difficult to establish because it has not been preserved in its entirety. This much is certain: Ibn Isḥāq's *Sīra* contained more traditions of Muḥammad ibn Abī Muḥammad than would appear from Ibn Hishām's version of the work. For this reason one should treat cautiously the suspicion that this *isnād* was added later. In his article "*Sīra* and *Tafsīr*: Muḥammad al-Kalbī on the Jews of Medina," 22, note

who is vividly interested in causes of revelation (*asbāb al-nuzūl*) and the relations between the Prophet and the Quraysh and the Jews. His father was possibly a Jewish convert.[126]

In view of the evidence presented above, it makes no sense to assume that Ibn Isḥāq invented the traditions in question himself. He is likely to have received them from this Muḥammad ibn Abī Muḥammad.[127] It is also probable that the latter indeed used the odd *isnād*: Saʿīd ibn Jubayr *aw* (or) ʿIkrima *ʿan* (from) Ibn ʿAbbās. This *isnād* is suspicious because this Muḥammad obviously used it for all his traditions.[128] It is strange that Muḥammad ibn Abī Muḥammad did not remember from which of the two informants he heard the few stories that Ibn Ishāq transmitted from him. Put otherwise, this *isnād* gives the impression of a rather summary and arbitrary ascription of the material to some informant of Ibn ʿAbbās. Yet whether Muḥammad ibn Abī Muḥammad invented his stories himself or heard them, at least partially, from somebody else cannot be established. It is doubtful that he got his material from one of the persons named as his possible sources (Saʿīd ibn Jubayr or ʿIkrima), in view of the mass of short traditions preserved from them elsewhere. The reference to Ibn ʿAbbās is in any case spurious.[129] Thanks to Ibn Isḥāq's own statement that he heard the traditions from the *shaykh* more than forty years earlier, the

15 Schöller writes that some traditions ascribed to Kalbī (and via him to Ibn ʿAbbās) were "incorporated in the *Tafsīr* of Ṭabarī" with the *isnād* Salama/Ibn Bukayr – Ibn Isḥāq – Muḥammad ibn Abī Muḥammad – ʿIkrima or Saʿīd ibn Jubayr – Ibn ʿAbbās. Schöller apparently intends to argue that this *isnād* is fictitiously related to the traditions and may have been chosen to hide material derived from Kalbī. Yet as will be shown below Kalbī probably had access to the same type of sources as Ibn Isḥāq and Muqātil. Hence the similarity between texts ascribed to Kalbī, on the one hand, and to Muḥammad ibn Abī Muḥammad, on the other hand, may be due to the fact that both relied on similar sources. The issue certainly needs further study.

[126] The fact that he was a *mawlā* of the family of Zayd ibn Thābit who originally had connections with the Jews of Medina fits this picture. See M. Lecker, "Zayd ibn Thābit, 'A Jew with Two Sidelocks': Judaism and Literacy in Pre-islamic Medina (Yathrib)." Converts frequently covered up their non-Arab or non-Muslim origin by replacing their father's name by a *kunya*. See H. Motzki, "The Role of Non-Arab Converts in the Development of Early Islamic Law," 308.

[127] Ibn Isḥāq expressly notes in one of the traditions that Muḥammad ibn Abī Muḥammad was in doubt about his informant. See Ibn Isḥāq, *Sīra*, 279, no. 473.

[128] The exceptions found in the sources are probably due to mistakes of transmission or copying.

[129] In his book *The Development of Exegesis in Early Islam* Berg used traditions equipped with this obviously spurious *isnād* to check the reliability of traditions ascribed to Ibn ʿAbbās. See my critical remarks on this procedure in "The Question of the Authenticity of Muslim Traditions Reconsidered," 249.

exegesis of Muḥammad ibn Abī Muḥammad can be dated (together with its unconvincing *isnād*) to the turn of the first/seventh century.

Berg includes in the transmissions of Diagram 5 a tradition with the *isnād* Ibn Wahb – Ibn Lahīʿah – Yazīd ibn Abī Ḥabīb – a *mawlā* of Ibn ʿAbbās – Ibn ʿAbbās and he notes that it contains element 3, but he neither gives the source where the tradition is found nor does he comment on it. It is found in Ibn Wahb's *Jāmiʿ*[130] and differs conspicuously from the traditions of group five discussed so far. Its text explains verse 91 by *alladhīna yuʾminūna bi-baʿḍin wa-yakfirūna bi-baʿḍ*/those who believe in some [of the Qurʾān] and disbelieve in some [of it]. This textual element is known, on the one hand, from al-Aʿmash's tradition transmitted from Abū Ẓabyān and ascribed to Ibn ʿAbbās (group one) and, on the other hand, from Abū Bishr's tradition transmitted from Saʿīd ibn Jubayr and only partly ascribed to Ibn ʿAbbās (group two). I have argued that the ascription to Ibn ʿAbbās cannot be proven in the first case and is surely secondary in the latter.

In Ibn Wahb's *isnād* the vague identification of Yazīd ibn Abī Ḥabīb's informant as "a *mawlā* of Ibn ʿAbbās" raises doubts. Seven *mawālī* are known as transmitters from Ibn ʿAbbās,[131] but the one usually occurring as the source of exegetical traditions is ʿIkrima.[132] The exegesis ascribed to the latter by the traditions examined above is different from that of Ibn Wahb's tradition. This suggests that either another *mawlā* of Ibn ʿAbbās (one seldom quoted in exegetical traditions) must be meant or that the identification of Yazīd ibn Abī Ḥabīb's informant is spurious. The latter solution seems to be more obvious in view of two facts: first, the exegesis put forward in Ibn Wahb's tradition is known from two other authorities (Abū Ẓabyān and Ibn Jubayr) and, second, there is a tendency in the second quarter of the second/eighth century to ascribe this interpretation to Ibn ʿAbbās.[133] Moreover, Ibn Lahīʿa's (d. 174/790) transmissions often differ from other ones and seem to be less reliable.[134] An uneasiness about the traditions transmitted from him is

[130] Ibn Wahb, *al-Ǧāmiʿ. Tafsīr al-Qurʾān (Die Koranexegese)*, 178 (fol. 24a, 23–24b, 1–2).
[131] See Mizzī, *Tahdhīb*, 4:177–178.
[132] More rarely, Miqsam is found.
[133] See above pp. 238, 242, 247.
[134] See for an example Motzki, "Der Prophet und die Schuldner," 28–31; "The Prophet and the Debtors," 153–156.

also observable in the judgments of critical Muslim *ḥadīth* scholars.[135] The available evidence, therefore, supports the conclusion that this tradition transmitted by Ibn Wahb from Ibn Lahīʿa is unreliable, that its *isnād* is false, and that its text derives from another tradition. The collector Ibn Wahb is certainly not responsible for it. Thus, it is most probable that Ibn Lahīʿa or, perhaps, his alleged informant Yazīd ibn Abī Ḥabīb (d. 127/744–5 or 128/745–6)[136] produced this tradition.

The Traditions of Group Six

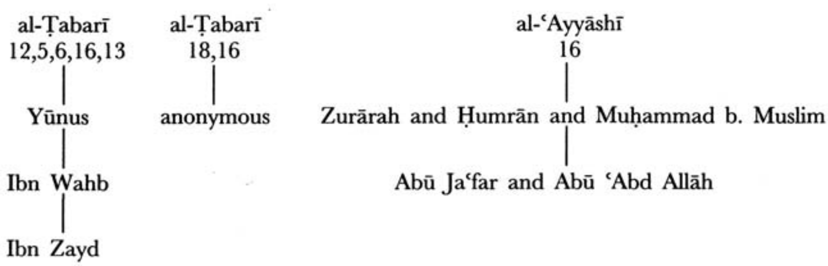


Diagram 6: Miscellaneous *ḥadīths*

Only one of the traditions put together in this group is commented on by Berg.[137] He lists the numbers 12,5,6,16,13 of his table of key phrases as its textual elements and gives the following *isnād*: Ṭabarī – Yūnus – Ibn Wahb – Ibn Zayd. This does not agree with what is found in the source. Ṭabarī gives two traditions with the *isnād* Yūnus – Ibn Wahb, one with Ibn Zayd,[138] and another one with Yazīd[139] as Ibn Wahb's informant. Berg obviously either read Yazīd as Zayd and overlooked the fact that in that case *ibn* would be missing, or he thought that the name Yazīd must be an error of transmission and that it should have been Ibn Zayd and emendated it in silence. Be that as it may, his combination of the different traditions into a single tradition is questionable. According to the text ascribed to Ibn Zayd, i.e., ʿAbd al-Raḥmān ibn

[135] See Mizzī, *Tahdhīb*, 4:252–256. More details about him are found in the study of R.G. Khoury, *ʿAbd Allāh ibn Lahīʿa (97–174/715–790): Juge et grand maître de l'école égyptienne*.

[136] Mizzī, *Tahdhīb*, 8:118–119; Khoury, *ʿAbd Allāh ibn Lahīʿa*, 114–115.

[137] Berg, "Competing Paradigms in the Study of Islamic Origins," 272, 280–281. Instead of Abū Zayd on p. 281, read Ibn Zayd.

[138] Ṭabarī, *Jāmiʿ*, 14:84.

[139] Ibidem, 86.

Zayd ibn Aslam (d. 182/798–9),[140] the latter commented *muqtasimīn* with *alladhīna taqāsamū bi-Ṣāliḥ* (those who bound themselves by a mutual oath concerning [the prophet] Ṣāliḥ) and quoted as proof for his interpretation Qurʾān 27:49 (Berg's element 12). This is a unique interpretation that is not given by any other early exegete for Qurʾān 15:90.

The tradition ascribed to Yazīd, on the other hand, comments Qurʾān 15:91 *alladhīna jaʿalū l-qurʾāna ʿiḍīn* (who made the Qurʾān bits) with: *jaʿalūhu aʿḍāʾan kamā tuʿaḍḍā shāt, qāla baʿḍuhum kahāna qāla baʿḍuhum huwa siḥr qāla baʿḍuhum shiʿr qāla baʿḍuhum "asāṭīr al-awwalīn iktatabahā…"*[141] (they made it into pieces like a sheep is cut into pieces, some of them said 'soothsaying', some of them said 'it is sorcery', some of them said 'poetry' and some of them said 'legends of the ancients that he has had written down…'). The first part (elements 5,6) we know as the exegesis of al-Ḍaḥḥāk and Mujāhid (5), whereas the second part (element 16) is very similar to Saʿīd ibn Abī ʿArūba's transmission from Qatāda.[142] The first exegesis, that ascribed to Ibn Zayd, is not compatible with the second one, i.e., that of Yazīd, because the opponents of Ṣāliḥ cannot be those who made the Qurʾān into pieces. It is, therefore, more probable that the two traditions derive from different authors, as Ṭabarī's *asānīd* indeed indicate. Yazīd is perhaps Yazīd ibn Yūnus ibn Yazīd al-Aylī.[143] Finally, the long commentary that Berg has included in his list of key phrases as element 13 and that he considers as part of Yazīd's (Ibn Zayd's according to Berg) tradition does not belong to this tradition at all but is Ṭabarī's commentary on the expression *jaʿalūhu aʿḍāʾan kamā tuʿaḍḍā shāt* (or *jazūr*) in the traditions quoted by him earlier.

Neither tradition can be dated with the *isnād-cum-matn* method because there are no variants available. They were certainly not invented by Ṭabarī, for the *asānīd* do not end with famous early authorities and he has trouble fitting the unique exegesis of Ibn Zayd into his own understanding of the qurʾānic verses in question. If the *asānīd*

[140] This is a common *isnād* in Ṭabarī's *Jāmiʿ*. See Horst, "Zur Überlieferung im Korankommentar aṭ-Ṭabarīs," 305.

[141] The last three words are part of Qurʾān 25:5.

[142] See above p. 255.

[143] For the *isnād* Yūnus – Ibn Wahb – Yazīd ibn Yūnus see M. Muranyi in his edition of ʿAbd Allāh ibn Wahb, *al-Ǧāmiʿ. Die Koranwissenschaften*, 114. For Yazīd ibn Yūnus see Ibn Ḥibbān, *Kitāb al-Thiqāt*, 9:274. His date of death is not known, but his father died between 152/769 and 160/776–7 (Mizzī, *Tahdhīb*, 8:221–222).

were reliable, then both traditions would be more recent than those discussed before since their authors, i.e., the last authorities in the *asānīd*, only died in the second half of the second/eighth century.

Conclusions

Berg assumes that scholars using the *isnād-cum-matn* method will accept the tradition of the obscure story-teller transmitted by Ibn Isḥāq as largely historically accurate. The reasons Berg gives for his assumption are: The story is specific, "it reads like an occasion of revelation story," and "the charges made by the Qurashīs are answered in the Qurʾān, which seems to attest to some event like the one described having occurred."[144] I wonder which scholars Berg has in mind. They cannot be Stauth, Schoeler or myself, whom he mentioned as representatives of the "sanguine" approach. We certainly do not consider that stories like those of Muḥammad ibn Abī Muḥammad reflect historical facts for the reasons suggested by Berg. My conclusions concerning this story are the following: The evidence presented above shows that Muḥammad ibn Abī Muḥammad's traditions can be dated to the turn of the first/seventh century. We do not know which elements of the stories he invented himself and which elements he may have received from earlier informants. How could he know so precisely what happened in Mecca a hundred years earlier? It seems more reasonable to assume that his story about al-Walīd ibn al-Mughīra's conversation was based on qurʾānic verses rather than that it reflects reliable information about an historical event. The only possibly historical element seems to be the name of al-Walīd ibn al-Mughīra and, perhaps, a reminiscence among later generations of his role among the Meccan opposition to the Prophet.

There is also no basis for Berg's claim that scholars using the "sanguine approach" would consider Muḥammad ibn Abī Muḥammad's story as the model of the exegetical traditions ascribed to ʿIkrima, Qatāda and Mujāhid, i.e., that the latter were "familiar" with his story and that their traditions "allude to it." There is no evidence for such claim and no need for it. Muḥammad ibn Abī Muḥammad's exegetical story is simultaneous with the interpretations of the other scholars. It differs from them only in its narrative style. The interpretations of

[144] Berg, "Competing Paradigms in the Study of Islamic Origins," 274, 279.

Qatāda, Mujāhid, Ibn Abī Najīḥ and those ascribed to ʿIkrima could have been derived at least as easily from the Qurʾān as Muḥammad ibn Abī Muḥammad's story. The Qurʾān contains in different places all the notions used in these exegetical traditions.[145]

Other conclusions Berg ascribes to "sanguine" scholars are: a) Ibn ʿAbbās may well be the author of the interpretation that *muqtasimīn* referred to Jews and Christians and "that their partitioning of the Qurʾān took the form of believing some of it but not other parts of it." b) The transmitters Mujāhid and ʿIkrima redacted and tendentiously shaped Ibn ʿAbbās' statements for various theological reasons.[146] My examination of the traditions has shown that these conclusions are untenable. If one applies the method of *isnād-cum-matn* analysis carefully and if one critically weighs the evidence available to date the traditions even further back than the common link, then one does not come to such conclusions. Hence "sanguine" scholars should not be blamed for them. In none of the groups of traditions discussed above could Ibn ʿAbbās be established as the probable source of the exegesis in question. Consequently, the latter's statements could not have been "shaped" by pupils of his.

The earliest authorities of qurʾānic exegesis which seem to be historically tangible are Abū Ẓabyān, Saʿīd ibn Jubayr, al-Ḍaḥḥāk, Mujāhid, Qatāda, and Muḥammad ibn Abī Muḥammad.[147] They all died in the last decade of the first/seventh or the first two decades of the second/eighth centuries. Most of them (Saʿīd ibn Jubayr, al-Ḍaḥḥāk, Mujāhid, Qatāda) did *not* ascribe their opinions to Ibn ʿAbbās. Only some transmitters *from* them did so. That happened in the second quarter of the second/eighth century and later. Yet, a few earlier scholars seem to have ascribed their exegesis to Ibn ʿAbbās as early as the turn of the first/seventh century (Muḥammad ibn Abī Muḥammad, perhaps also Abū Ẓabyān).[148] These are the main findings of the application of the *isnād-cum-matn* method to Qurʾān 15:90–91.[149] They differ slightly

[145] Berg gives a list of verses where the different accusations against Muḥammad occur that are found in the story ("Competing Paradigms in the Study of Islamic Origins," 279, n. 34).

[146] Berg, "Competing Paradigms in the Study of Islamic Origins," 275.

[147] H. Birkeland, *Muslim Interpretation of Surah 107*, 32 came to a similar conclusion.

[148] According to Birkeland (ibidem) exegetical teachings became attributed to Companions only "shortly before or about 200 A.H."

[149] These findings support the assumption that the massive ascription of opinions and traditions to Ibn ʿAbbās was less motivated by the "mythic portrait" of the lat-

from Leemhuis' conclusions about the origins of Muslim exegesis. According to him there was an anonymous living tradition during the first half of the second/eighth century that was provided with *asānīd* only from around 150/767 onwards. I think, however, that the evidence of the traditions analysed in this article suggests that exegesis was not anonymous in this period but in many cases really taught by the scholars given in the *asānīd*. Consequently, the phase of the anonymous and unknown living exegetical tradition shrinks to the first three quarters of the first/seventh century.

Scholars of *ḥadīth* who consider the common link as a borderline of dating will stop earlier than I did in some of the cases discussed above. They will date the traditions to the second quarter of the second/eighth century, that is, the generation of the pupils of the scholars whom I consider as the earliest exegetes historically recoverable. These pupils are, for instance, al-Aʿmash, Abū Bishr, Ibn Abī Najīḥ and Ibn Isḥāq.

Be that as it may, an important point of my approach is that the results of analysis are only dates: Scholar X who died at the time Y interpreted the verses in question as Z. 'What really happened?', the question that scholars of history usually ask, has to be translated for the study of exegetical traditions into the question, 'was Ibn ʿAbbās (or any other authority at the end of the *asānīd*) to whom a particular exegesis is ascribed really its author?' For Ibn ʿAbbās we can answer 'no' or, more cautiously, 'probably not.' For others, like Qatāda and Mujāhid, the answer is positive for parts of the texts ascribed to them. Contrary to what Berg claims,[150] I do not ask whether one interpretation of the Qurʾān is historically more accurate than another or, to put it otherwise, whether 'the People of the Book' or, rather, the Quraysh are meant in the Qurʾān. This sort of question cannot be answered on the basis of my methods.

Finally, my analysis of the traditions sufficiently explains how divergent or even mutually incompatible interpretations of qurʾānic verses were transmitted on the authority of Ibn ʿAbbās. This is a notable result for a historical study. We learn, first, how the exegesis of the Qurʾān began to be established as a scholarly discipline; second, that this hap-

ter, which probably only developed towards the end of the second/eighth century, than modelled on such early ascriptions of traditions to Ibn ʿAbbās by pupils of his pupils. The "mythic portrait" of Ibn ʿAbbās has been masterfully depicted by C. Gilliot, "Portrait 'mythique' d'Ibn ʿAbbās."

150 Berg, "Competing Paradigms in Islamic Origins," 287.

pened at the end of the first/seventh and the beginning of the second/eighth centuries; and, third, who the first scholars of exegesis were and what they thought. All in all we learn a lot about the first centuries of Islam, i.e., Islamic origins.[151] The knowledge we have gained is based, however, on only a tiny fragment of exegetical transmissions, that is, those dealing with Qurʾān 15:90–91. Our findings are therefore provisional and need to be checked by further studies.

It became obvious from this little study of exegetical traditions that their *asānīd* are only partially reliable, a few even completely untrustworthy and others useless for historical source analysis. The same is true for the *mutūn*. On the other hand, I hope to have shown convincingly that by comparing the variation in the *asānīd* with the variation in the texts, the reliable parts of both *asānīd* and texts can be established in cases where enough variants are available. This procedure is not based on the premise that "both the *mutūn* and the *asānīd* are *generally* reliable,"[152] as Berg concludes, but on the premise that they may be both – reliable and unreliable.

IV. Early Commentaries

In his presentation of the "sanguine" approach Berg does not deal with allegedly early commentaries on the Qurʾān which are ascribed to authors who do not base themselves explicitly on traditions with *asānīd*. He discusses the exegeses of such commentaries only when explaining the "sceptical" approach. Yet from the perspective of historical source criticism there is no reason to exclude them from the approach since these works must be dated anyway (and then their *asānīd*, i.e., *riwāyāt*, will play a role). Besides, their exegeses may be datable through comparison with other texts that can be dated by the *isnād-cum-matn* method. Hence I shall deal here also with the putative early commentaries.

Berg quotes the texts of three 'early' *tafsīr* works: those of Muqātil ibn Sulaymān (d. 150/767), Abū ʿUbayda (d. between 202/817–18 and 211/826–7) and al-Farrāʾ (d. 207/822). In the following I shall not only

[151] Berg claims that the "sanguine approach" cannot address "Islamic origins" (ibidem, 285) but, in contrast to Wansbrough, he understands the term in a very narrow sense.

[152] Ibidem, 275. Emphasis mine.

discuss these commentaries but also those of al-Akhfash al-Awsaṭ (d. 215/830), Muḥammad al-Kalbī (d. 146/763) and Zayd ibn ʿAlī (d. 122/740), and I shall compare them with the exegetical opinions of earlier scholars that have been reconstructed above.[153] The result of this analysis will show that the commentaries mostly combine elements of earlier exegeses without giving their sources.

Muqātil

Muqātil comments on Qurʾān 15:90–91 as follows:

> In it [verse 90] is a reference to the preceding. It says (means): We have sent down the *mathānī* and the Qurʾān as we have sent down the Torah and the Gospel to the Christians and the Jews. They are the partitioners. They partitioned the Book. The Jews believed in the Torah and disbelieved in the Gospel and the Qurʾān. The Christians believed in the Gospel and disbelieved in the Qurʾān and the Torah. This is what they partitioned by believing in some of what was revealed to them of the Book and disbelieving in some. Then [God] described the Jews and the Christians as '*alladhīna jaʿalū l-qurʾān ʿiḍīn*,' they made the Qurʾān into pieces like the pieces of a slaughtered camel. They separated the Book and did not agree on the belief in all the books.[154]

This exegesis combines parts of the interpretations of Abū Ẓabyān (elements 1,3), Ḍaḥḥāk (5,6) and Mujāhid (5,9). Berg does not mention that Muqātil also knows a story about the strategem of al-Walīd ibn al-Mughīra that is related to Ibn Isḥāq's tale transmitted from Muḥammad ibn Abī Muḥammad. Yet Muqātil presents this story as an illustration of verse 95: *innā kafaynāka l-mustahziʾīn*/we suffice thee against the mockers.[155]

> When the time of *ḥajj* festival (*mawsim*) had come al-Walīd ibn al-Mughīra said: "O people of Quraysh! Muḥammad's affair became a hot item (high) in the land (*bilād*). I do not see the people returning without having met him. He is a gifted speaker. When he speaks to somebody he annihilates his mind. I expect that some of them will believe him. Send a group of intelligent men to sit at the road of Mecca at a distance of one or two nights! When someone asks about Muḥammad then some of them must say: 'He is a sorcerer who separates between

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[153] Two other more recent texts are among the traditions of group six (that of Ibn Zayd and Yazīd). See above pp. 268–270.

[154] Muqātil ibn Sulaymān, *Tafsīr*, 2:436–437. A partial translation of the text is given by Berg, "Competing Paradigms in the Study of Islamic Origins," 278.

[155] Muqātil, *Tafsīr*, 2:437–438.

two [people]' and others must say: 'He is a soothsayer who reports what will arrive (be) sometime in the future.' [Do that] in order to avoid giving a better account of him than you want to give of him." They sent on every road four men from Quraysh whereas al-Walīd stayed at Mecca. Meeting people who had entered the city on other than the main roads wanting to go to Muḥammad, he [al-Walīd] said to them: "He is a sorcerer and a liar." Those who entered on a (main) road were met by the sixteen men. They then said: "He is a poet, a liar, someone possessed by a *jinn*." They did that and the people became divided (*inṣadaʿa*) by their sayings. This worried the Prophet who hoped to meet the people and expound his mission (*amr*) to them, and these mockers (*mustahziʾūn*) of the Quraysh prevented that. The Quraysh were glad when the people were divided (separated, *tafarraqa*) by their sayings and said: "With your comrade is only deception (delusion)." They meant the Prophet. The Quraysh also said: "This is our and your [singular] persistence." To this refers the word [of God]: "And when it is said to them, 'What has your Lord sent down?' they say, 'Legends of the ancients.'"[156] Someone among them [the visitors] said: "What an evil representation (*wāfid*) of the people (*qawm*)! I do not leave before having met my comrade" [i.e., Muḥammad]. He entered Mecca, met the Muslims and said: "What is this affair about?" And they said: "A blessing (good). God has revealed a book and sent a messenger." To this refers the word [of God]: "What has your Lord sent down? They say: 'Good'."[157]

This is not exactly the same story as that reported by Ibn Isḥāq from Muḥammad ibn Abī Muḥammad discussed above, but it is similar in many respects. Muqātil adds to it another story that reports how seven opponents of Muḥammad from among the Quraysh were punished by the angel Jibrīl and died.[158] This story also has a parallel in Ibn Hishām's *Sīra*. Here Ibn Isḥāq transmits it with the *isnād* Yazīd ibn Rūmān – ʿUrwa ibn al-Zubayr "or someone else."[159] The gist of both variants is the same. They resemble each other even more than in the case of the preceding story about al-Walīd's advice. But here, too, there are many differences. Muqātil's version is a more detailed narrative, he mentions the persons in a different order and at the end he adds two people to the five individuals of the original story. These differences in style and content make it improbable that they are dependent on one another, i.e., that Muqātil received his version from Ibn Isḥāq or

[156] Qurʾān 16:24.
[157] Qurʾān 16:30.
[158] The combination of the two topics is also found in Saʿīd ibn Abī ʿArūba's transmission from Qatāda. See above p. 255, note 88.
[159] Ibn Isḥāq, *Sīrat rasūl allāh*, 272 (187).

the other way around. Both seem to draw on common sources. This corroborates my earlier conclusion that Ibn Isḥāq is not likely to have invented the stories himself. The same is true for Muqātil. Another difference between the two is that Muqātil does not give his sources in the form of an *isnād*.

It is worth pointing out that the same story can obviously be used to illustrate the background of different qurʾānic verses. Ibn Isḥāq's source, Muḥammad ibn Abī Muḥammad, connects his story about al-Walīd's advice with Qurʾān 74:11–25 and 15:90. Muqātil, on the contrary, explains Qurʾān 15:95 and 16:24, 30 by this story. This contradicts the idea that there is an original relation between the qurʾānic verses and the stories that are given to interpret them or to provide the background for them. It is unlikely that the story about al-Walīd could have been invented to explain the expression *alladhīna jaʿalū l-qurʾāna l-ʿiḍīn* (they made the Qurʾān bits) in Qurʾān 15:91, as is suggested in Ibn Isḥāq's *Sīra*. There is hardly any point in the story that fits the verse.[160] The same is true for Muqātil, who identifies the persons dealt with in the story about al-Walīd's advice as *mustahziʾīn* (the mockers) of verse 95. They are not really mocking Muḥammad. The original relation between the Qurʾān and the stories seems to be more general. It is true that in the stories several keywords and expressions are used that are taken from the Qurʾān,[161] but these qurʾānic expressions are derived from other verses than those which are alleged to have been revealed in connection with events depicted in the stories. The latter attempt to merge into one narrative plot different notions of the Qurʾān that certainly resulted from different historical situations or events. It is obvious that the stories do not describe a specific event that really happened. Rather, using qurʾānic notions, they attempt to give an idea of what happened in Mecca at the time of the Prophet.[162]

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[160] This has also been observed by Berg, "Competing Paradigms in the Study of Islamic Origins," 280.

[161] Berg, "Competing Paradigms in the Study of Islamic Origins," 279, note 35 gives a list of qurʾānic verses that mention the labels that the opponents of the Prophet gave to him.

[162] John Wansbrough and Andrew Rippin argued that the stories designed to provide "occasions of revelation" (*asbāb al-nuzūl*) for qurʾānic verses are "narrative expansions" of the verses in question and hence belong to the exegetical genre (Wansbrough, *The Sectarian Milieu*, 2; Rippin, "The Function of *Asbāb al-Nuzūl* in Qurʾānic Exegesis," 4). Uri Rubin rejected this view stating that the *asbāb al-nuzūl* stories found in *sīra* material originally were "without an exegetic function", that "the basic narrative framework is always independent of Qurʾānic verses and ideas," and

Abū ʿUbayda, al-Farrāʾ, al-Akhfash al-Awsaṭ

Abū ʿUbayda's interpretation[163] explains the words *ʿalā l-muqtasimīn* of verse 90 by *ʿalā lladhīna qtasamū* (upon those you partitioned) and verse 91 *jaʿalū l-qurʾāna ʿiḍīn* by *ʿaḍḍūhu aʿḍāʾan ay farraqūhu firaqan*/ they divided it into bits, that is, separated it into parts. The interpretation of verse 91 clearly reflects Mujāhid's exegesis (elements 5,9), that of verse 90 is implicitly also found there (*wa-baddadūhu/qasamū kitābahum*).

Al-Farrāʾ made a synthesis of elements from Muqātil's or Muḥammad al-Kalbī's story (elements 14,16),[164] from the exegesis of Mujāhid (9,5), al-Ḍaḥḥāk (6), Ibn Abī Najīḥ (9,16), Saʿīd ibn Abī ʿArūba's transmission from Qatāda (16), and from the explanation of *ʿiḍīn* ascribed to ʿIkrima (16).[165]

Al-Akhfash al-Awsaṭ (d. 215/830) comments only on the word *ʿiḍīn*: *huwa min aʿḍāʾi wa-wāḥiduhu ʿiḍa mithla ʿizzīn wāḥiduhu ʿizza*/it is [a form] of *aʿḍāʾ* (the bits) and its singular is *ʿiḍa* (the bit) like [the word] *ʿizzīn* of which the singular is *ʿizza*.[166] At first glance this interpretation appears to be purely lexicological but *aʿḍāʾ* was, in the end, already Mujāhid's and al-Ḍaḥḥāk's exegesis and it was ascribed by Hushaym (via Abū Bishr and Saʿīd ibn Jubayr) to Ibn ʿAbbās.

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that "the Qurʾānic data seem to have been incorporated into the *sīra* story secondarily, for the sake of embellishment and authorization." (Rubin, *The Eye of the Beholder. The Life of Muḥammad as Viewed by the Early Muslims. A Textual Analysis*, 227). Rubin's claim is valid for the *sīra* traditions studied by him but not for all *asbāb al-nuzūl* reports. Yet in the stories about al-Walīd and the Meccan opponents discussed above the qurʾānic elements are original, only the combination with particular verses is secondary. Obviously both theories, that of Wansbrough/Rippin and Rubin, are correct, but should not be generalized.

163 Abū ʿUbayda, *Majāz al-qurʾān*, 1:355. See also Berg, "Competing Paradigms in the Study of Islamic Origins," 278.

164 He combines it with the story of the five Qurashī mockers who were punished by God and suddenly died. This story is mostly quoted as an explanation of *al-mustahziʾīn* in Qurʾān 15:95, but it is also referred to in a few of the exegetical traditions of Qurʾān 15:90–91, e.g. in Saʿīd ibn Abī ʿArūba's tradition from Qatāda (*rahṭ khamsatin min Quraysh*), and in the unique element 7 of Shuʿba's tradition from ʿIkrima (*kānū yastahziʾūna* etc.) mentioned by Berg in group 5. See above pp. 259–261. On Kalbī's version see below.

165 Al-Farrāʾ, *Maʿānī l-qurʾān*, 2:91–92. A translation is given in Berg, "Competing Paradigms in the Study of Islamic Origins," 280. It is reproduced in the Appendix, p. 303.

166 Al-Akhfash, *Maʿānī l-qurʾān*, 2:604.

Muḥammad al-Kalbī

Another early exegesis not mentioned by Berg is that of Muḥammad ibn al-Sāʾib al-Kalbī (d. 146/763), a contemporary of Ibn Isḥāq and Muqātil. His exegesis is only available in the form of scattered quotations in later commentaries and other types of literature.[167] Andrew Rippin has argued that the so-called *Tafsīr Ibn ʿAbbās* or *Tafsīr al-Kalbī*, extant also in editions entitled *Tanwīr al-miqbās min tafsīr Ibn ʿAbbās* ascribed to Fīrūzābādī (d. 729/1329), is actually *Al-Wāḍiḥ fī Tafsīr al-Qurʾān* of ʿAbd Allāh al-Dīnawarī (d. ± 300/912–3), not the *Tafsīr* of Kalbī *ʿan* Ibn ʿAbbās.[168] Rippin's identification of the author and his methods of dating the work raise questions that I have dealt with in a separate article.[169] Yet his conclusion that *al-Wāḍiḥ* is not a *riwāya* of Kalbī's *Tafsīr*, although it has an *isnād* which suggest it, seems to be sound. I shall attempt to substantiate Rippin's conclusion in the following by comparing a tradition probably deriving from Kalbī's *Tafsīr* with the exegesis of *al-Wāḍiḥ*.

Kalbī's exegesis of Qurʾān 15:90–91 is found in *Zād al-masīr fī l-ʿilm al-tafsīr*, written by the famous Ḥanbalī scholar ʿAbd Raḥmān ibn ʿAlī known as Ibn al-Jawzī (d. 597/1200).[170] He quotes him among a lot of other *mufassirūn*: Muqātil, Ibn al-Anbarī, al-Farrāʾ, ʿAwfī *ʿan* Ibn ʿAbbās, al-Ḥasan (al-Baṣrī), Mujāhid, Saʿīd ibn Jubayr *ʿan* Ibn ʿAbbās, ʿIkrima, Qatāda, ʿAbd al-Raḥmān ibn Zayd, Kisāʾī, Abū ʿUbayda and Ibn Jurayj *ʿan* Mujāhid. As far as I can see, Ibn al-Jawzī's quotations of their exegetical opinions are in agreement with what is preserved of their exegesis by earlier authors like Ṭabarī or in the transmissions of the works ascribed to them, like the works of Muqātil, Abū ʿUbayda, al-Farrāʾ and Kisāʾī. Hence we can assume that Ibn al-Jawzī also quotes Kalbī from a work known to him as transmitting the latter's exegesis. The text is as follows:

> Ibn al-Sāʾib said: They are a group of the people of Mecca. They spread out (*iqtasamū*) on the passes of Mecca when the time of the *ḥajj* festival (*mawsim*) had come. al-Walīd ibn al-Mughīra said to them. "Start out and spread out (*tafarraqū*) on the passes of Mecca where the visitors of the festival will pass you. When they ask you about him, i.e.,

[167] Schöller, "*Sīra* and *Tafsīr*: Muḥammad al-Kalbī on the Jews of Medina," 20–22.
[168] See A. Rippin, "*Tafsīr Ibn ʿAbbās* and Criteria for Dating Early *Tafsīr* Texts."
[169] H. Motzki, "Dating the so-called *Tafsīr Ibn ʿAbbās*. Some Additional Remarks."
[170] Ibn al-Jawzī, *Zād al-masīr*, 4:305.

> the messenger of God, then some of you must say: 'a soothsayer,' some of you: 'a sorcerer,' some of you: 'a poet,' and some of you: 'a seducer (*ghāwin*).' And then come back to your comrades!"[171] To them [this group] belonged: Ḥanẓala ibn Abī Sufyān, ʿUtba and Shayba, the sons of Rabīʿa, al-Walīd ibn al-Mughīra, Abū Jahl, al-ʿĀṣ ibn Hishām, Abū Qays ibn al-Walīd, Qays ibn al-Fākih, Zuhayr ibn Abī Umayyah, Hilāl ibn ʿAbd al-Aswad, al-Sāʾib ibn Ṣayfī, al-Naḍr ibn al-Ḥārith, Abū Bakhtarī ibn Hishām, Zamaʿa ibn al-Ḥajjāj, Umayya ibn Khalaf, and Aws ibn al-Mughīra.

This is another version of the story about al-Walīd ibn al-Mughīra's advice. It is more similar to Muqātil's variant, which also mentions sixteen people without naming them, but it is much shorter. Since both texts vary considerably it is not sensible to assume that Kalbī received his version from Muqātil or the other way around. It seems more probable that both derived their story from a common source that can be approximately dated to the turn of the first/seventh century. That tallies with the date established above for Ibn Isḥāq's story on al-Walīd's advice.

The text found in the so-called *Tafsīr Ibn ʿAbbās* (or *Tafsīr al-Kalbī ʿan Ibn ʿAbbās* or *Tanwīr al-miqbās min tafsīr Ibn ʿAbbās*) differs from this putative fragment of Kalbī's exegesis. Commenting on verse 90 it says:

> "*kamā anzalnā*" (as we sent down) at the day [of the battle] of Badr "ʿ*alā l-muqtasimīn*" (on the partitioners) the comrades of the pass (ʿ*aqabah*). They are: Abū Jahl, Ibn Hishām, al-Walīd ibn al-Mughīra al-Makhzūmī, Ḥanẓala ibn Abī Sufyān, ʿUtba and Shayba, the sons of Rabīʿa and all their comrades who were killed on the day [i.e., in the battle] of Badr.

Verse 91 is explained by:

> "*alladhīna jaʿalū l-qurʾān ʿiḍīn*" (those who made the Qurʾān into bits) they said about the Qurʾān different things (sayings). Some of them said: "sorcery," some of them said: "poetry," some of them said: "soothsaying," some of them said: "legends of the ancients," and some of them said: "lie," inventing it of their own accord.

Comparing these texts with the quotation from Kalbī's exegesis preserved by Ibn al-Jawzī it becomes obvious that the so-called *Tafsīr Ibn ʿAbbās* is not a recension of Kalbī's original exegesis but, at best, a summary of it. Yet there are also differences between the texts that

[171] I read *ṣuḥbatikum* instead of *ṣadaqatikum*.

suggest that the author of *Tafsīr Ibn ʿAbbās* did not limit himself to summarizing Kalbī's text but also changed it and added notions derived from other sources. Kalbī related the sayings of the Quraysh to Muḥammad. His text has "a soothsayer, a sorcerer" etc. This corresponds to the stories transmitted by Ibn Isḥāq and Muqātil. The author of *Tafsīr Ibn ʿAbbās*, however, reproduces it as "soothsaying, sorcery," relating it to the Qurʾān itself. With this slight change the story better fits the verse, which does not speak about Muḥammad but about people who did something with the Qurʾān. The author of *Tafsīr Ibn ʿAbbās* mentions "legends of the ancients" and "lie", which are not found in Kalbī's text. We have already come across the former expression in Saʿīd ibn Abī ʿArūba's transmission from Qatāda and in that of Ibn Wahb from Yazīd.[172] The notion of "lie" is found in Muqātil's story about al-Walīd's advice where Muḥammad is called a "liar."[173] According to the exegesis of *Tafsīr Ibn ʿAbbās* it is the punishment of "the partitioners" happening in the battle of Badr that God "sent down". This is exceptional and in early commentaries it is only found in al-Farrāʾ's, who seems to base himself on Muqātil or Kalbī or on a version of their common source. Possibly this was already Kalbī's interpretation but the fragment quoted by Ibn al-Jawzī does not contain it. According to most early exegetes, however, it is a revelation or a revealed scripture that has been "sent down."

The result of the comparison between a fragment of Kalbī's exegesis and the so-called *Tafsīr Ibn ʿAbbās* corroborates Rippin's view that the latter is a commentary on its own, which was compiled some time after Kalbī. I discussed the issue of its authorship in more detail in another article. The author uses Kalbī's exegesis but does not confine himself to it.[174] Ibn al-Jawzī's quotation, on the other hand, seems to be taken from the transmission of Kalbī's exegesis and it seems to be more original than the text given in *Tafsīr Ibn ʿAbbās*. There is no reason to reject the ascription of the fragment to Kalbī. The text resembles

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172 See above pp. 255, 269.

173 Al-Farrāʾ also has it. See Berg's translation in the Appendix, p. 303.

174 The author of *Tafsīr Ibn ʿAbbās* also mentions the exegesis that *al-muqtasimūn* means the Jews and the Christians but he connects it with verse 87 instead of 90 and does not say what their action was. Since there does not seem to be a parallel text ascribed to Kalbī for this interpretation, we cannot know whether it was also taught by him or whether the author of *Tafsīr Ibn ʿAbbās* adopted it from the Kūfan exegesis transmitted by al-Aʿmash from Abū Ẓabyān (ascribed to Ibn ʿAbbās). One can imagine, however, that Kalbī, a Kūfan scholar himself, knew this exegesis as well.

in style and content the stories transmitted by his contemporaries, Ibn Isḥāq and Muqātil, and is likely to be Kalbī's rendering of a source or sources available to the three scholars.[175]

Zayd ibn ʿAlī

Another allegedly early exegetical text not included in Berg's collection is the *Tafsīr gharīb al-qurʾān*, a Zaydī-Shīʿī commentary ascribed to Zayd ibn ʿAlī (d. 122/740).[176] It is desirable to include it in the discussion here because of the problems it raises for historical source analysis. The authorship of the works ascribed to Zayd ibn ʿAlī has long been debated in non-Muslim scholarship. It started in 1919 with the edition of *Majmūʿ al-fiqh* by Eugenio Griffini who considered Zayd ibn ʿAlī to be the real author of the book.[177] Gotthelf Bergsträsser rejected Griffini's view. He argued that because of the many similarities with Iraqi jurisprudence of the second and third quarters of the second/eighth century it could not be earlier than that period.[178] Rudolf Strothmann compared the *Majmūʿ* with other works ascribed to Zayd ibn ʿAlī – among them the *Tafsīr gharīb al-qurʾān* – and later Zaydī literature. The many contradictions in the doctrines ascribed to him led Strothmann to conclude that the *Majmūʿ* was much later and

[175] A comparison of the variants of the story about the five 'mockers' who were punished by God at the hand of the angel Jibrīl leads to a similar result. The versions transmitted by Ibn Isḥāq, Muqātil and Kalbī have a similar content but clearly differ in structure and wording (see Ibn Hishām, *Sīrat rasūl allāh*, 272 (187); Muqātil, *Tafsīr*, 2:438–440; *Tafsīr Ibn ʿAbbās, ad* Qurʾān 15:96). In the three texts the five people are dealt with in a different order, their names vary in some details etc. This variation shows that the three versions are independent of each other. On the other hand, the common elements indicate that the three texts are based on a common source (or different versions of it). The version given in *Tafsīr Ibn ʿAbbās* differs substantially from the other two and also from the variants transmitted from Muḥammad ibn Abī Muḥammad, Saʿīd ibn Jubayr, ʿIkrima, Shaʿbī, Qatāda and ʿUthmān *ʿan* Miqsam (see Ṭabarī, *Jāmiʿ*, 14:95–97). This supports the assumption that the text of *Tafsīr Ibn ʿAbbās* may be a summary of Kalbī's version of the story. The tradition mentioned by Ṭabarī that Zuhrī (d. 124/742) was asked about the difference that the versions of Ibn Jubayr and ʿIkrima show concerning the name of one of the five 'mockers' suggests that different versions ascribed to the two scholars already circulated in Zuhrī's time, i.e., the first two decades of the second/eighth century. Their versions are relatively short compared to that of Muqātil. There was probably an earlier, longer story as early as the second half of the first/seventh century on which all the later ones are based.

[176] Zayd ibn ʿAlī, *Tafsīr gharīb al-qurʾān*.

[177] Zaid ibn ʿAlī, *Corpus iuris: la più antica raccolta di legislazione e di giurisprudenza musulmana finora ritrovata/testo arabo*.

[178] Gotthelf Bergsträsser, "*Corpus juris* di Zaid ibn ʿAlī."

must derive from a collector or compiler working in a non-Yemenite Zaydī milieu strongly influenced by Ḥanafī jurisprudence (probably Iraq) in the fourth/tenth century. Strothmann was very sceptical about the *asānīd* (*riwāyāt*) that introduce the texts. Of course, the late date of the *Majmūʿ* does not exclude the possibility that it may contain earlier material, but Strothmann saw only very few chances to determine what derives from Zayd and what from the transmitters from him.[179] Strothmann did not explicitly date the *Tafsīr* ascribed to Zayd but it is clear from his study that he considered the *Tafsīr* to be as late a work as the *Majmūʿ*.

Wilferd Madelung was less sceptical and ascribed the content of both works to the teaching of Abū Khālid ʿAmr ibn Khālid al-Wāsiṭī (d. 150/767), the alleged Kūfan transmitter from Zayd ibn ʿAlī, and the compilation and editing to Abū Khālid's students, i.e., to the second half of the second/eighth century.[180] Fuat Sezgin returned to Griffini's opinion. He was convinced that both *Majmūʿ* and *Tafsīr* are works written by their putative author, Zayd ibn ʿAlī.[181] Kees Versteegh agreed with Sezgin and Ḥasan Muḥammad Taqī al-Ḥakīm, the editor of the *Tafsīr*, in their dating. He noted, however, "a considerable number of parallel passages between Zayd ibn ʿAlī's commentary and Abū ʿUbayda's *Majāz.*" He proposed as an explanation that they possibly both go back to a common source.[182] If Zayd ibn ʿAlī's *Tafsīr* is authentic, then the common source must be older, dating from the first/seventh century. The debate about Zayd ibn ʿAlī's authorship of works ascribed to him seems far from over. Can the comparison between a fragment of this *Tafsīr* and the exegetical traditions discussed above and dated to the beginning or, at least, to the first half of the second/eighth century contribute further evidence for a solution? Let us first examine the chain of transmission.

The *isnād* or *riwāya* of the whole work is: Abū Jaʿfar – ʿAlī ibn Aḥmad – ʿAṭāʾ ibn al-Sāʾib – Abū Khālidʿ Amr ibn Khālid al-Wāsiṭī – Zayd ibn ʿAlī. This *isnād* raises questions. Abū Jaʿfar Muḥammad ibn Mansūr ibn Yazīd al-Murādī was a leading Zaydī scholar living in Kūfa. According to Madelung he was a generation younger than his

[179] Rudolf Strothmann, "Das Problem der literarischen Persönlichkeit Zaid ibn ʿAlī," 43–45.
[180] Wilferd Madelung, *Der Imam al-Qāsim ibn Ibrāhīm und die Glaubenslehre der Zaiditen*, 53–59.
[181] Fuat Sezgin, *Geschichte des arabischen Schrifttums*, I, 552–557.
[182] (C.H.M.) Kees Versteegh, "Zayd ibn ʿAlī's Commentary on the Qurʾān," 14–15.

teacher Aḥmad ibn ʿĪsā (d. 247/861).[183] Late sources give 290/903 as his date of death.[184] The next transmitter is, according to the editor, ʿAlī ibn Aḥmad ibn ʿĪsā ibn Zayd, i.e., the great-grandson of Zayd ibn ʿAlī. His date of death is not known but he must have been a contemporary of Abū Jaʿfar. It is strange that the latter transmits from him and not directly from their common teacher, Aḥmad ibn ʿĪsā. This could perhaps be explained by assuming that Abū Jaʿfar did not have permission from Aḥmad to transmit the work from him and that ʿAlī transmitted it from his father Aḥmad. But even then there is a gap between Aḥmad and his putative informant ʿAṭāʾ ibn al-Sāʾib. The only known person of this name is Abū Zayd ʿAṭāʾ ibn al-Sāʾib ibn Mālik al-Kūfī, who died in 136/753–4.[185] Aḥmad ibn ʿĪsā was only born in 157/773. It is also odd that the next transmitter in the chain, Abū Khālid ʿAmr ibn Khālid al-Wāsiṭī (d. 150/767), is a generation younger than his putative pupil, ʿAṭāʾ. The transmission of ʿAṭāʾ ibn al-Sāʾib known from the Sunnī collections is from transmitters who died at the turn of the first/seventh century and earlier. Hence he does not fit as transmitter from Abū Khālid. Moreover, ʿAṭāʾ ibn al-Sāʾib had many pupils who transmitted from him.[186] Hence it does not seem plausible that no other pupils transmitted at least parts of this *Tafsīr* allegedly received by ʿAṭāʾ from Abū Khālid. The gap can only be filled by assuming either that the name of the latter's student was written wrongly or that there was another person named ʿAṭāʾ ibn al-Sāʾib living in the second half of the second/eighth century who is not mentioned in the biographical sources. Abū Khālid al-Wāsiṭī is found even in Sunnī sources and is considered to have been a student of Zayd ibn ʿAlī.[187] The judgments of the critical Sunnī *ḥadīth* scholars about him are extremely negative: he is labelled *kadhdhāb* (liar) and *matrūk al-ḥadīth* (one whose traditions are abandoned) and his *aḥādīth* are called *mawḍūʿa* (forged). Even apart from the judgments about Abū Khālid, this *isnād* is not very reliable and does not provide safe information about the transmission of the work.

[183] Madelung, *Der Imam al-Qāsim ibn Ibrāhīm und die Glaubenslehre der Zaiditen*, 82.
[184] Sezgin, *Geschichte des arabischen Schrifttums*, I, 563 and the editor's introduction to *Tafsīr gharīb al-qurʾān*, 47.
[185] See Mizzī, *Tahdhīb*, 5:170–172.
[186] Ibidem, 171.
[187] Ibidem, 5:407–408. It is even said that he was in possession of a manuscript from him (*lahu ʿanhu nuskha*).

Now let us have a look at the exegesis itself. Verse 90 (*muqtasimīn*) is commented upon by: *alladhīna qtasamū l-qurʾān*/those who divided the Qurʾān. Verse 91 (*ʿiḍīn*) is explained by: *farraqūhu wa-jaʿalūhu aʿḍaʾan, fa-āmanū bi-baʿḍin wa-kafarū bi-baʿdin, yuqālu: hum al-yahūd wa-l-nasārā wa-yuqālu inna ʿiḍīn huwa siḥr*/they separated it and made it into bits, and then they believed in some and disbelieved in some, it is said: they are the Jews and the Christians, and it is said that *ʿiḍīn* is [means] sorcery. We have already come across the various elements of this exegesis in the traditions and commentaries discussed above: *alladhīna qtasamū* is found in Abū ʿUbayda's *Majāz*, but it is also part of the transmissions of Mujāhid's exegesis (elements 8 and 10 of group four, *qasamū* or *baddadū*) as is *farraqūhu* (9) *wa-jaʿalūhu aʿḍāʾan* (5).[188] The following *fa-āmanū bi-baʿḍin wa-kafarū bi-baʿdin* we know as element 3 from both group one (Abū Ẓabyān) and group two (Saʿīd ibn Jubayr), *hum al-yahūd wa-l-nasārā* is also found in group one, and finally *siḥr* is the exegesis ascribed to ʿIkrima (element 16 of group five).

This is obviously a composite text that is composed of elements transmitted from different authorities. The use of *yuqāl* (it is said) at the beginnings of the last two elements increases the impression of a collection of exegetical opinions. The exegeses that I have reconstructed as early, and that I have dated to the turn of the first/seventh century, that is, the time of Zayd ibn ʿAlī, are more concise and elementary. This supports the assumption that the exegesis of the *Tafsīr gharīb al-qurʾān* (at least as far as Qurʾān 15: 90–91 is concerned) is not earlier than the second quarter of the second/eighth century, perhaps even later. This result is in line with Madelung's opinion, who ascribes the *Tafsīr* to Abū Khālid al-Wāsiṭī or one of his pupils. This dating does not exclude the possibility that certain elements of the exegeses contained in the *Tafsīr* may be derived from Zayd but, due to the lack of variant transmissions of this commentary, we cannot know which elements. If this dating could be corroborated by examining other instances of exegesis in Zayd's *Tafsīr*, then the similarity between it and Abū ʿUbayda's *Majāz al-qurʾān* noted by Versteegh cannot be explained by postulating a common source from the first/seventh century. Alternatively we may think of either several common sources

[188] See above p. 253 and note also the similarity with Abū ʿUbayda's explanation (above p. 277).

circulating in the second quarter of the second/eighth century, i.e., the exegeses transmitted on the authority of Mujāhid, Ibn Jubayr, Abū Ẓabyān, ʿIkrima, Ibn ʿAbbās and other early Qurʾān interpreters.[189]

V. Wansbrough's View on the Development of Early Exegesis – An Alternative?

Berg starts his paragraph entitled "The Skeptical Approach" with the statement: "Skeptical scholars have a radically different approach." Both subject and predicate of this sentence raise questions. First, who is meant by "skeptical scholars?" In Berg's chapter the ideas and methods of only one scholar are presented: John Wansbrough. Who are the other "skeptical" scholars? Are they by definition followers of Wansbrough? With which of Wansbrough's premises must scholars agree in order to be labelled "skeptical"? I do not find answers to any of those questions in Berg's description of the "skeptical approach."[190] Second, I wonder whether the predicate "radically different approach" is not an exaggeration. Having established the real approach of scholars who use the *isnād-cum-matn* method, the difference seems to be much smaller than Berg supposes. In the following I shall defend this proposition by discussing three main points of contention where Wansbrough's approach differs from the historical critical one (the sanguine one according to Berg): a) the general epistemological problem of historical disciplines: whether we can know what really happened (a primary premise of Wansbrough's thinking); b) the value of the *asānīd* (a secondary premise derived from the primary one); and c) the dating of the sources (a result).

The Epistemological Issue

I shall argue in the following that the difference that Berg calls "paradigmatic" is reduced to the general epistemological issue of whether it is at all possible to know what really happened. In "*Res ipsa loquitur*" Wansbrough categorically states that nothing is obvious or self-evident

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[189] With good arguments Versteegh excludes the possibility that Zayd ibn ʿAlī's commentary is an extract of Abū ʿUbayda's. See Versteegh, "Zayd ibn ʿAlī's Commentary," 25–26.

[190] Nor in note 4 of Berg, "Competing Paradigms in the Study of Islamic Origins," 261.

and no record unambiguous.[191] For him the historical record consists of "human utterance"[192] and history is essentially historiography, that is, the imaginative and creative reconstruction of the past.[193] Wansbrough is deeply disappointed by historical method which seldom fulfils his expectations. "Its purpose is identification of something tangible that can in turn be called 'fact'." This is "a paradigm that generates not merely the appropriate question but also the type of answer expected." He calls it the "tyranny of history."[194] His alternative model chosen for explanation exhibits an *a priori* decision about the relevance of the sources. He posits that our sources for the seventh-century Ḥijāz or the origins of Islam are the product of literary activity and that they are predominantly exegetical in character.[195] Therefore, "that record has got to be interpreted in accordance with what we know of literary criticism."[196] In view of the type of available sources and the methods appropriate for their analysis Wansbrough doubts whether it is possible to attain the certainty that historians look for, namely "that what is alleged to have happened actually did."[197]

The logical consequence of Wansbrough's thinking would be to abstain from asking what really happened and to analyze the sources as fictional literature. This programme is most rigorously implemented in his book *The Sectarian Milieu*. In the Preface he expressly states that his purpose "is not historical reconstruction, but source analysis" which is "stylistic and not productive of strictly historical conclusions".[198] Yet even in this strictly unhistorical study that focuses on style and structure, the author at the end does not escape the "tyranny of history." He concludes that the function of "salvation history" in Muslim society "was to formulate the experience of the community in appropriately ecclesial terms." Anticipating the reader's question 'Which community?', Wansbrough adds: "Its datum, seen from the period and place of its earliest articulation, was the 'fact' of ʿAbbāsid society." Here the historical question of 'what really happened' reappears and is indeed

[191] Wansbrough, "Res ipsa loquitur: History and Mimesis," 18.
[192] Ibidem, 10.
[193] Ibidem, 16, 19.
[194] Ibidem, 16.
[195] Ibidem, 7.
[196] Ibidem, 10.
[197] Ibidem; see also idem, *The Sectarian Milieu*, 118–119.
[198] Wansbrough, *The Sectarian Milieu*, ix.

answered: Muslim "salvation history" developed in ʿAbbāsid time, that is, roughly from the middle of the second/eighth century onwards.

In Wansbrough's earlier book *Quranic Studies* historical issues are far more frequently touched on: The Qurʾān is a product of a "strongly sectarian atmosphere"[199] within the Judeo-Christian "sectarian milieu." It developed "within the framework of Judeo-Christian polemics" "in the Mesopotamian environment."[200] The end of the second/eighth century is "a likely historical moment" for the "emergence of the fixed canon of scripture and the emergence of the actual concept, 'Islam'."[201] All these statements are historical and answer the question of 'what really happened,' not for the first/seventh century, it is true, but for the second/eighth and third/ninth centuries. Wansbrough himself admitted in the preface of his book that he aimed "to depict the origins of Islam."[202]

In this respect Wansbrough's approach does not differ very much from that of scholars using the *isnād-cum-matn* method. 'What really happened in first/seventh-century Arabia?' or 'what were the origins of Islam?' are not primary questions of their approach. Primary questions are: Do the sources really derive from the persons to whom they are ascribed? Is there evidence for later additions, glosses etc.? Are the sources perhaps based on earlier sources, and can we reconstruct them? Hence the issue of 'what really happened' concerns in the first place the sources and their history, not the content of the texts contained in the sources. In comparison to Wansbrough's *literary* source analysis, the dating approach consists of *historical* source analysis. As we shall see below, Wansbrough in principle also admits the possibility that the extant sources contain earlier material although not as early as I date it. As far as the exegesis of Qurʾān 15:90–91 is concerned, historical source analysis leads to an earlier dating than Wansbrough's, but it does not result in answers to questions about what really happened in the time of the Prophet and which of the different exegeses is historically more accurate.

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199 Wansbrough, *Quranic Studies*, 20.

200 A. Rippin, "Literary Analysis of *Qurʾān, Tafsīr*, and *Sīra*. The Methodologies of John Wansbrough," 161; Wansbrough, *Quranic Studies*, 34, 50.

201 Rippin, "Literary Analysis of *Qurʾān, Tafsīr*, and *Sīra*," 161; Wansbrough, *Quranic Studies*, 49–50.

202 Wansbrough, *Quranic Studies*, xi. Berg aptly summarizes his works as "Wansbrough's historical reconstruction of early Islam" ("Competing Paradigms in the Study of Islamic Origins," 281).

The crucial difference between Wansbrough's methodological assumptions and those of the scholars using historical source analysis is that the latter are prepared to admit that, in cases of very early sources, it may be possible and sensible to ask whether parts of the events that the sources depict really happened. The reason is the closeness of the source to the reported events. Of course, closeness does not guarantee the reliability of a report. Yet the chance is greater that, to give an extreme example, an eyewitness report of an event transmitted some decades later is less affected by later developments than a description of the same event given two centuries later by someone who, although perhaps basing himself on traditions about the event, tries to make sense of it for his time.

Wansbrough would probably have admitted the possibility that such early sources could be found, but not that they can be extracted from the extant sources compiled in the third/ninth century or later. The kerygmatic character of the extant sources prevents that. It is not reasonable for him to take into account the possibility that earlier reports which are not adapted to "salvation history" (which developed in the course of the second/eighth and third/ninth centuries) could have survived in the sources. In contrast, scholars investigating the sources with the *isnād-cum-matn* method consider many (not all) of the extant sources as collections of earlier material and not as works in which authors and redactors consciously produced "salvation history." That does not mean that particular reports could not be kerygmatic or reflect the views of a time later than the events reported about. For the scholars using the *isnād-cum-matn* method the possibility that a report also reflects what really happened depends first on the date of the report and then on its content and its agreement with other evidence available.

The Asānīd

It is a principle of scholarly research in general and of historical studies in particular that as much evidence should be examined as possible. Disregarding pieces of evidence raises the risk of unreliable conclusions or results. Disregarding 'facts' is only tolerable if it is evident or proven that they are of doubtful quality. The sources available for the history of the first three Islamic centuries consist for a large part of two types of evidence: traditions, i.e., transmitted texts, and names or chains of names (*asānīd*) combined with the traditions. The function of the names is to indicate the author of the text. Theoretically both

the texts and the names are important pieces of evidence about the sources. A text whose author is known is generally a more valuable historical source than an anonymous text of uncertain date.[203]

Wansbrough pretends to know that the names that accompany the texts in the early Islamic sources are "literary devices," "halakhic embellishments" and, as such, fictitious. They are "an exclusively formal innovation" added to the texts only after the year 200 A.H.[204] and "cannot tell us of the origin of the *matn*" to which the *isnād* is attached.[205] "Analysis of these chains is tedious, and seldom productive of more than pseudo-historical projections of halakhic dispute."[206] Therefore, they can and should be ignored for the analysis of the texts.

One wonders how Wansbrough arrived at this negative evaluation of the *asānīd* and his dating of their origin. It is not self-evident. I have not seen any study written by him in which he systematically examines the *asānīd* and proves that they are as generally unreliable as he assumes. The four and a half pages that he devotes to the topic in his *Quranic Studies*[207] do not produce the proof for his claim. Wansbrough's judgment is perhaps inspired by Goldziher's investigations of the *aḥādīth*, but the latter did not examine *asānīd* either. It is not anchored in Joseph Schacht's study *The Origins of Muhammadan Jurisprudence* because the latter was not as negative about *asānīd* and dated their origin almost a century earlier.[208] Consequently, Wansbrough's rejection of the *asānīd* must be based either on pure assumption of their unreliability and late origin (as part of "salvation history") or on an examination of only a few examples. In either case such general judgments about the *asānīd* are hardly justified. Finally, the date that he fixes for their origin seems to be speculative and arbitrary.[209] Most scholars are convinced that the use of *asānīd* started earlier.[210]

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[203] See for this issue Motzki, "Dating the so-called *Tafsīr Ibn ʿAbbās*."

[204] Wansbrough, *Quranic Studies*, 179.

[205] Berg, "Competing Paradigms in the Study of Islamic Origins," 275–276.

[206] Wansbrough, *The Sectarian Milieu*, 81.

[207] Pp. 179–183.

[208] For a critical assessment of Schacht's dating on the basis of *asānīd* see Motzki, *Die Anfänge der islamischen Jurisprudenz*, 25–28, 117–124; *The Origins of Islamic Jurisprudence*, 22–26, 126–136; idem, "Der Fiqh des –Zuhrī," 41–42; "The Jurisprudence of Ibn Shihāb al-Zuhrī," 44–45; idem, "Dating Muslim Traditions," 219–223.

[209] See also Motzki, "The Question of the Authenticity of Muslim Traditions Reconsidered," 243–244.

[210] See G.H.A. Juynboll, *Muslim Tradition. Studies in Chronology, Provenance and Authorship of Early Ḥadīth*, 17–19; Schacht, *The Origins of Muhammadan Jurisprudence*, 36–37; Leemhuis, "Origins and Early Development of the *Tafsīr* Tradition," 21–22,

Wansbrough's premise about the *asānīd* – which is derived from his *a priori* premise regarding the character of the Muslim sources available for early Islam – is a fundamental flaw in his work, which is otherwise an admirable piece of scholarship.[211] Even if the *asānīd* were only literary devices, they deserve to be studied just as other elements of the sources. Neither Wansbrough nor any of his followers has done that and produced a plausible, concrete and verifiable explanation of the close correlation that has been observed between textual variants and *asānīd* by a growing number of studies.[212] It therefore seems unwise to limit the evidence of the sources to the texts alone and to abstain from investigating whether the *asānīd* can contribute to our historical understanding of them.

Dating

Rejecting the possible evidence of *asānīd*, Wansbrough is forced to confine himself to the texts of the traditions, that is, to literary analysis. Yet in order to be able to reconstruct the origins of Islam on this basis he needs parameters to distinguish earlier from later texts. As far as qurʾānic exegesis is concerned he uses function and style of the texts as criteria to sort things out and suggests five different types of exegesis: Haggadic, halakhic, masoretic, rhetorical and allegorical.[213] According to Wansbrough, this typology is not only structural but also reflects the development of exegesis in Islam, each type representing a different stage in this development. The stages are clear-cut, and texts that show more than one type of exegesis must have a history. The different typological layers that can be distinguished are the product of different stages of development.[214]

25, 28–29; Motzki, *Die Anfänge der islamischen Jurisprudenz*, 26–27, 138, 143–151, 181–183; *The Origins of Islamic Jurisprudence*, 22–24, 151–152, 158–167, 202–204.

[211] Neuwirth, "Koran," 123 called it "einen methodischen Anachronismus."

[212] See G. Schoeler, *Charakter und Authentie der muslimischen Überlieferung über das Leben Mohammeds*; idem, "Mūsā ibn ʿUqba's *Maghāzī*"; A. Görke, "The Historical Tradition about al-Ḥudaybiya. A Study of ʿUrwa ibn al-Zubayr's Account"; idem, "Eschatology, History, and the Common Link; " Motzki, "*Quo vadis Ḥadīṯ*-Forschung?"; "Whither *Ḥadīth* Studies"; idem, "The Prophet and the Cat. On Dating Mālik's *Muwaṭṭa*ʾ and Legal Traditions"; idem, "The Murder of Ibn Abī l-Ḥuqayq"; idem, "Der Prophet und die Schuldner"; "The Prophet and the Debtors"; idem, "The Collection of the Qurʾān"; U. Mitter, *Das frühislamische Patronat. Eine Studie zu den Anfängen des islamischen Rechts*; R. Peters, "Murder in Khaybar: Some Thoughts on the Origins of the *Qasāma* Procedure in Islamic Law."

[213] Wansbrough, *Quranic Studies*, 119 ff.

[214] See Wansbrough, *Quranic Studies*, 47, 132–133, 141–146.

Berg applies the first three types to the exegesis of Qurʾān 15:90–91 and arrives at the following chronology: The earliest text is found in the *Tafsīr* of Muqātil ibn Sulaymān who identifies the Jews and Christians as those who partitioned the Book. That this wording is early is corroborated by Abū ʿUbayda's *Majāz al-Qurʾān*.[215] One wonders, however, why these texts are considered earlier than the exegetical *aḥādīth* that contain the same textual elements, i.e., have a similar content but are equipped with *asānīd* leading to earlier authorities. According to Berg's understanding of Wansbrough's thinking, the difference is that Muqātil's and Abū ʿUbayda's texts are haggadic (narrative) whereas the *aḥādīth* are halakhic (legal) due to the *asānīd* that are attached to the texts. Because, according to Wansbrough, texts were equipped with *asānīd* only from 200/815–6 onwards the *aḥādīth*, i.e., traditions containing *asānīd*, must be later than the texts of the *tafsīr* works. Consequently, Berg considers Muqātil's (d. 150/767) and Abū ʿUbayda's (d. between 202/817–8 and 211/826–7) exegeses as the possible "source for the *later*[216] *aḥādīth* attributed to others".[217] The reader must conclude from his account that Muqātil's and Abū ʿUbayda's texts are theirs, that is, that they can be dated to the first half of the second/eighth century in the case of the former and to the second half of the same century in the case of the latter.

This reasoning is not without traps. Do the texts that Berg considers as haggadic really lack *asānīd*? Is their identification as exegeses of Muqātil or Abū ʿUbayda not also based on *asānīd*? Berg does not state clearly whether these scholars must be considered as the real authors of the *tafsīr* works ascribed to them. Wansbrough is more outspoken in this respect, labelling Muqātil's *Tafsīr* "an exegetical work *ascribed* to Muqātil ibn Sulaymān."[218] Yet even then, Muqātil's texts had to be labelled halakhic because of this ascription (*isnād*) and had to be dated *later* than 200/815–6.[219] Hence both kinds of texts (those of the *tafsīr* works and those of the traditions) are obviously of the same

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[215] Berg, "Competing Paradigms in the Study of Islamic Origins," 278.
[216] Emphasis mine.
[217] Ibidem.
[218] Wansbrough, *Quranic Studies*, 122 (emphasis mine). See also 143–144. The different transmissions and the history of *Tafsīr Muqātil* have been depicted by C. Gilliot, "Muqātil, grand exégète, traditionniste et théologien maudit," 40–50.
[219] See Wansbrough, *Quranic Studies*, 144–146: "[…] extant recensions of exegetical writing here designated haggadic, despite biographical information on its putative authors are not earlier than the date proposed to mark the beginnings of Arabic literature, namely 200/815." (144)

exegetical type: they are halakhic but contain an earlier haggadic layer. What, then, makes the *tafsīr* texts earlier than the *aḥādīth*? There is only one way out of the dilemma: the length of the *asānīd* could be made the distinguishing criterion: The longer the part of the *isnād* reaching back to the first two centuries, that is, the earlier the person claimed as author of a text, the later its real origin. Abū ʿUbayda's text must then be dated to the beginning of the third/ninth century, that of Muqātil somewhat later, the traditions going back to Qatāda, Mujāhid and al-Ḍaḥḥāk still later and those ascribed to Ibn ʿAbbās would be the last.[220] This dating reminds one of Joseph Schacht's model for the development of legal traditions.[221] It would be an ingenious solution to the problem but it looks rather artificial. This method of literary criticism, putting texts in a relative chronology, does not seem very reliable.[222]

According to Berg's "skeptical" approach the earliest text that identifies the Quraysh as the partitioners of the Qurʾān is that of Ibn Isḥāq (d. 151/768–9). It is of the haggadic (narrative) type but, in contrast to Muqātil's text, parabolic and historicizing, "part of the larger attempt to make an Arabian prophet."[223] Berg considers narratives with this content to be later than those reflecting "the Judeo-Christian sectarian milieu in which the Qurʾān is thought to have emerged according to Wansbrough."[224] He speaks of a "shift" from one milieu to the other.[225]

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[220] Such a development is proposed by Berg in *The Development of Exegesis in Early Islam*, 208–215.

[221] See his *The Origins of Muhammadan Jurisprudence*, 3, 149–151. Rippin in his article "*Tafsīr Ibn ʿAbbās*," 61 explicitly refers to Schacht's model.

[222] Wansbrough's ideas about the history of the *Tafsīr Muqātil* and its alleged anonymous editing have been rejected by C.H.M. Versteegh, "Grammar and Exegesis: The Origins of Kūfan Grammar and the *Tafsīr* Muqātil," 220 and idem, *Arabic Grammar and Qurʾānic Exegesis*, 56. For the problems that the different extant versions of the *Tafsīr Muqātil* raise for the issue of its authorship see Gilliot, "Muqātil," 40–50. The issue of the authorship of early compilations has been dealt with by: S. Leder, *Das Korpus des Haiṯam ibn ʿAdī (st. 207/822). Herkunft, Überlieferung, Gestalt früher Texte der aḫbār Literatur*; E. Landau-Tasseron, "On the Reconstruction of Lost Sources"; Motzki, "The Author and his Work in the Islamic Literature of the First Centuries: the Case of ʿAbd al-Razzāq's *Muṣannaf*"; A. Görke, *Das Kitāb al-Amwāl des Abū ʿUbaid al-Qāsim ibn Sallām. Entstehung und Überlieferung eines frühislamischen Rechtswerkes*.

[223] Berg, "Competing Paradigms in the Study of Islamic Origins," 280. For a comparison of style between Muqātil's and Ibn Isḥāq's exegeses based on another qurʾānic passage see also Wansbrough, *Quranic Studies*, 122–129.

[224] Berg, "Competing Paradigms in the Study of Islamic Origins," 278.

[225] Ibidem, 280.

Al-Farrāʾ's (d. 207/822) text, which tells the same story in a very concise form, is still later than Ibn Isḥāq's tradition because it belongs to the masoretic tradition of exegesis due to the lexical and grammatical explanations added to the story.[226]

This dating of the texts is marked with similar contradictions. According to Berg, Ibn Isḥāq's text must be later than Muqātil's, although both are contemporaries. Moreover, as we have seen above, Muqātil also has a text that resembles Ibn Isḥāq's and is of the same historicizing type. Hence Berg's distinction would mean that Muqātil's commentary contains both an earlier and a later type of haggadic exegesis. According to Wansbrough's approach, Ibn Isḥāq's text is not really haggadic but, due to its *isnād*, halakhic and it should thus be dated to the beginning of the third/ninth century, i.e., the time of Ibn Hishām, his alleged transmitter and editor.[227] The story as such may be earlier but the ascription to Ibn Isḥāq is spurious. Yet according to Wansbrough's chronology of Muslim exegesis even Ibn Hishām cannot be the real editor of the work ascribed to him, and that for two reasons: a) Labelling him the editor is, strictly speaking, based on ascription (*isnād*).[228] b) He was already dead by 218/833–4, whereas his work shows traces of masoretic exegesis and hence must be later. Al-Farrāʾ cannot be considered the real author of the texts ascribed to him either, for there must be at least one generation between the stage of halakhic exegesis that begins in 200/ 815–6 and the next stage, the masoretic type. That does not fit with al-Farrāʾ's date of death. Consequently, the real authors or, at least, editors who are responsible for the masoretic elements in the two works in question must have lived later.[229] The application of Wansbrough's chronological typology to the exegetical texts and of his distinction between early, or original texts, and redacted ones containing interpolations and "intrusions" shows that here, too, earlier texts are reconstructed on the basis of later ones. This is not typical of the "sanguine approach", as Berg claims.[230] Wansbrough's reconstructions are based on an artificial typology that

[226] Ibidem.

[227] For the late dating of Ibn Isḥāq's work see Wansbrough, *Sectarian Milieu*, 58: "…sources which may with some assurance be dated before the end of the second/eighth century (*and thus before Ibn Isḥāq*)" [my emphasis]. In other places Wansbrough is more ambiguous (see pp. 59, 104).

[228] For the equation of *isnād* and ascription, see ibidem, 80.

[229] See Berg, "Competing Paradigms in the Study of Islamic Origins," 288.

[230] Ibidem.

is derived from Biblical studies and on an *a priori* premise that this typology reflects the chronology of the exegetical texts.

We see that Wansbrough's chronology leads to a dating of the sources that differs substantially from the information found in Muslim biographical and bibliographical literature on authors and death dates.[231] This explains the low opinion that he and, according to Berg, other "skeptical" scholars have of this literature.[232] Scholars critical of Wansbrough's approach argue that his chronology presupposes a "massive conspiracy to obscure what really happened," that is, that traditions and complete works must have been equipped with fictitious *asānīd* only during the third/ninth century. Berg deals with this reproach in his paragraph "Counterarguments." He mentions the opinions of C.H.M. Versteegh and Fred Donner, who argued that if such a conspiracy or collusion really happened we would have some vestiges of it in the form of dissenting views and also some evidence concerning the identity of the conspirators, but we do not.[233] Berg's argument against that counterargument is not convincing. I quote a few of his statements:

> When the traditions of Islam began to be recorded around 800 C.E. (the second half of the second century A.H.)[234] it was done in a manner that those early Muslims believed (or needed to believe) that events have been. […] There were no 'truths' that had to be suppressed in favor of 'falsehoods'. The *ḥadīth*s that were preserved are the ones that *the later community* 'knew' to be genuine. The *consensus* came about by only recording (or, perhaps, only supplying with *isnād*s and hence authority) those pieces of the much vaster body of material that were appropriate or in accord with the perceptions or *broad consensus* of the Muslim scholars of that time. Any correlation between *matn* and *isnād* could have been introduced in subsequent transmission and fabrication.[235]

[231] Norman Calder demonstrated this for the early legal literature in his *Studies in Early Muslim Jurisprudence*.

[232] See Wansbrough, *Quranic Studies*, 140; Berg, *The Development of Exegesis in Early Islam*, 136–137. See also my reservations about this attitude in Motzki, *Die Anfänge der islamischen Jurisprudenz*, 218–219, 254–256; *The Origins of Islamic Jurisprudence*, 245–246, 285–287; idem, "The Question of the Authenticity of Muslim Traditions Reconsidered," 244–245.

[233] Berg, "Competing Paradigms in the Study of Islamic Origins," 282.

[234] Berg's borderline is inconsistent. On p. 276 it is 200 A.H., i.e., 815–816 C.E. "Around 800 C.E.", i.e., 183–184 A.H., is not the second half of the 2nd century A.H., but only the last two decades of the latter.

[235] Berg, "Competing Paradigms in the Study of Islamic Origins," 283 (emphasis of non-Arabic words is mine).

The claim that the Muslims at the end of the second/eighth or the beginning of the third/ninth century were one single ("the") community with a "broad consensus" contradicts all we know of this period. The contrary was the case. There is no difference of opinion about this between the followers of Wansbrough and other scholars. It is true that several orthodoxies developed in the course of the third and fourth centuries but, first, they were discrete and competed with each other and, second, in spite of these orthodoxies much unorthodox material has been preserved. All this contradicts the idea that there were no "truths" and no "falsehoods" at that time, but only one dogma. It is completely unrealistic to assume that a process of recording and redaction brought about by an orthodox scholarly movement could have occurred without opponents' reactions being preserved in Muslim literature.

Finally, the correlations between *matn* and *isnād* that have been observed in several cases are not straightforward but very complicated. It is improbable that these correlations resulted from systematic fabrication by several scholars working independently of each other, organic growth, or later redaction. Scholars critical of Wansbrough's approach do not demand from his followers evidence for what really happened in the first/seventh and second/eighth centuries, as Berg claims,[236] but only for what really happened in the third/ninth and fourth/tenth centuries. They would like to see the evidence for large-scale fabrication, systematic redaction and organic growth, thus, evidence that can explain the condition of the sources as there are.

The difference of dating resulting from my approach and that of Wansbrough applied by Berg to the exegesis of Qurʾān 15:90–91 seems to be considerable when the dating of particular traditions is compared. According to my dating the original kernel of traditions ascribed through their *asānīd* to, e.g., Qatāda (d. between 117/735–6 and 120/738) derives from the first two decades of the second/eighth century. By comparison, a scholar following Wansbrough's approach must date the traditions in question roughly a century later. Yet when we look at the dating of particular textual elements and, in our case, at the elements labelled haggadic by Wansbrough and Berg, the difference of dating between both approaches is much smaller. I date the original kernel of Abū Ẓabyān's, Mujāhid's, al-Ḍaḥḥāk's and Muḥammad

[236] Berg, "Competing Paradigms in the Study of Islamic Origins," 284 (quoting Andrew Rippin).

ibn Abī Muḥammad's exegeses to the last quarter of the first/seventh century. According to Wansbrough the earliest layers of the exegetical texts ascribed to Muqātil, Ibn Isḥāq and Kalbī (all three died around 150/767) probably really derive from them[237] and hence must be dated at least to the second quarter of the second/eighth century. This means that the difference in dating as far as the content of the traditions is concerned is only about half a century. Furthermore, both approaches agree on the conclusion that it is not possible to trace the history of the exegesis before a certain point in time, roughly 75/694–5 in my approach and 125/742–3 in that of Wansbrough.[238] Finally, both approaches agree on the result that reliable information about the historical origin of the verses cannot be gleaned from the exegetical texts in question.

Berg claims in his article that "the results of each approach are mutually exclusive and one of them, or perhaps both them, must be incorrect."[239] As I have attempted to show, this is only partly the case. It is not the results that are mutually exclusive but only the assessment of the character of the sources. The methods are not mutually exclusive either. Scholars using historical source analysis can certainly profit from the stylistic and structural analysis of texts developed by Wansbrough and by his "comparison with literary types generated by the Biblical paradigm."[240] On the other hand, I am convinced that the literary analysis of the Muslim sources can also profit from the *isnād-cum-matn* method. Both approaches can of course also exist side by side. One of them studies the sources exclusively as literary accounts, refraining from drawing historical conclusions, the other examines the history of the sources on the basis of all available evidence in order to distinguish earlier from later texts.

VI. Summary

The question as to when Muslim exegesis of the Qurʾān started has been disputed among Western scholars since the nineteenth century. Some were convinced that the starting point was the time of the exegetical

[237] Wansbrough, *Quranic Studies*, 140.
[238] For Wansbrough's date see *The Sectarian Milieu*, 119.
[239] Berg, "Competing Paradigms in Islamic Origins," 287.
[240] Wansbrough, *Quranic Studies*, ix.

teaching of ʿAbd Allāh ibn ʿAbbās (d. between 67/687 and 70/689), which has been preserved in later compilations through transmissions of his students. Others consider Ibn ʿAbbās to be a mythic figure and date the origins of exegesis later. The dates proposed range from the last third of the first/seventh century to the second half of the second/eighth century.

In his article "Competing Paradigms in the Study of Islamic Origins" Herbert Berg investigated two methodological approaches, which he called "sanguine" and "skeptical", that can be used to answer the question. He argued that each of them leads to completely opposite results, the sanguine approach to Ibn ʿAbbās, i.e., the third quarter of the first/seventh century, and the skeptical one to the second half of the second/eighth century at the earliest, and that they are mutually exclusive and circular.

In the present study Berg's conclusions concerning the "sanguine" approach are rejected. Instead it is shown that by a historical-critical analysis of early exegetical traditions available in later compilations it is *not* possible to recover the exegetical opinions of Ibn ʿAbbās but only the exegeses of scholars belonging to the following generations. It was desirable to revise Berg's study since his application of the *isnād-cum-matn* method is not sophisticated enough and not always accurate. This results in conclusions that are wrongly claimed to be in line with the ideas and the methodological approach of scholars such as Schoeler and myself. Therefore, the present study introduces a revised and more in-depth analysis of the early exegesis of Qurʾān 15:90–91.

In a first step the exegetical traditions found in Ṭabarī's commentary of the Qurʾān and in other collections are examined. Berg's analysis serves as the starting point. His methods and conclusions are discussed and contrasted with my own approach to the material. Sometimes, additional sources are referred to. The results of this examination differ considerably from Berg's. The earliest authorities of an exegesis of Qurʾān 15:90–91, who can be established as historically tangible and whose opinions can be reconstructed through a comparison of the *asānīd* and the texts of exegetical traditions, are Abū Ẓabyān, Saʿīd ibn Jubayr, al-Ḍaḥḥāk, Mujāhid, Qatāda, and Muḥammad ibn Abī Muḥammad, and *not* Ibn ʿAbbās as Berg claims. They all died in the last decade of the first/seventh or the first two decades of the second/eighth centuries. Most of them (Saʿīd ibn Jubayr, al-Ḍaḥḥāk, Mujāhid, Qatāda) did *not* ascribe their opinions to Ibn ʿAbbās. Only some transmitters *from* them did so. That happened in the second quarter of the

second/eighth century and later. Yet, a few early scholars seem to have (probably falsely) ascribed their exegesis to Ibn ʿAbbās as early as the turn of the first/seventh century (Muḥammad ibn Abī Muḥammad, perhaps also Abū Ẓabyān).

In a second step, several allegedly early commentaries of the Qurʾān are scrutinized that offer an exegesis of Sūra 15, verses 90–91 without referring to earlier authorities for their opinions. The *tafsīr* works explored are those ascribed to Muqātil ibn Sulaymān (d. 150/767), Muḥammad al-Kalbī (d. 146/763), Abū ʿUbayda (d. between 202/817–18 and 211/826–7), al-Farrāʾ (d. 207/822), al-Akhfash al-Awsaṭ (d. 215/830), and Zayd ibn ʿAlī (d. 122/740). The aim of the exercise is to compare the exegesis presented in these works with the opinions that could be reconstructed and dated on the basis of the exegetical *aḥādīth*. It leads to the general conclusion that these commentaries mostly combine elements of earlier exegeses without giving their sources. A more concrete result is that Muqātil's, Kalbī's and Ibn Isḥāq's exegetical stories derive from a common source that can be approximately dated to the turn of the first/seventh century.

The final section deals with Wansbrough's views on the development of early exegesis and his methods to establish this. Three points of contention are discussed: First, whether Wansbrough, by a purely literary analysis of the sources, actually escapes the "tyranny of history"; second, his thesis that the *asānīd* of traditions are only "literary devices" and, as such, late fictions that give no clues as to the origin of the texts; third, Wansbrough's method of dating sources on the basis of purely literary criteria and Berg's application of this method to the exegesis of Qurʾān 15:90–91.

I argue that Wansbrough's approach is inconsistent and that Berg's application of it leads to several contradictions. On the other hand, it appears that Wansbrough's and my own views about using exegetical texts to reconstruct the development of early exegesis have more in common than Berg admits in his study. I conclude that the application of Wansbrough's literary analysis is not really suitable for the *dating* of sources and *historical* reconstruction of the beginnings of Muslim exegesis. For this purpose literary analysis can and must be combined with approaches that take account of evidence other than only the texts.

VII. Appendix

Table 1: Key phrases and concepts[241]

Theme 1

Who:	*What they did:*
1) They are the Jews and the Christians • *hum al-yahūd wa-al-naṣārā* 2) They are the People of the Book • *hum ahl al-kitāb* • *ahl al-kitāb* 1 and 2) They are the Jews and the Christians of the People of the Book • *hum al-yahūd wa-al-naṣārā min ahl al-kitāb*	3) They believed in some and they disbelieved in some • *āmanū bi-baʿḍin wa-kafarū bi-baʿḍin* • *fa-āmanū bi-baʿḍi-hi wa-kafarū bi-baʿḍi-hi* • *alladhīna āmanū bi-baʿḍin wa-kafarū bi-baʿḍin* • *yuʾminūna bi-baʿḍin wa-yakfirū bi-baʿḍin* • *āmanū bi-baʿḍi-hi wa-kafarū bi-baʿḍi-hi* • *aḥzāban fa-āmanū bi-baʿḍin wa-kafarū bi-baʿḍin* 4) They partitioned it • *jazzaʾū-hu* • *jazzaʾū-hu ajzāʾan* 5) And made it into many pieces • *fa-jaʿalū aʿḍāʾ aʿḍāʾ* • *fa-jaʿalū aʿḍāʾ* • *jaʿalū aʿḍāʾ* • *wa-jaʿalū-hu aʿḍāʾ* • *jaʿalū kitāba-hum aʿḍāʾ* • *fa-jaʿalū-hu ajzāʾ* 6) Like the parts of a slaughtered camel/sheep • *ka-aʿḍāʾ al-jazūr* • *ka-aʿḍāʾ al-shāh/ka-mā tuʿaḍḍā al-shāh.* 7) They used to mock, this one saying: "Sūrat al-Baqarah is for me," and this one saying: "Sūrat āl ʿImrān is for me" • *kānū yastahziʾūna yaqūlu hādhā: lī sūrat al-baqarah wa-yaqūlu hādhā: lī sūrat al-Āl ʿImrān* 8) They divided their Book • *qasamū kitāba-hum* • *qasamū al-kitāb*

[241] The table is taken from Herbert Berg, "Competing Paradigms in the Study of Islamic Origins: Qurʾān 15:89–91 and the Value of *Isnāds*," in: id. (ed.), *Method and Theory in the Study of Islamic Origins*, Leiden 2003, pp. 265–267.

Table 1 (*cont.*)

	9) They separated it • *fa-farraqū-hu* • *wa-farraqū-hu al-kitāb* • *firaqan* • *wa-hum farraqū al-Qurʾān* • *farraqū al-Qurʾān* 10) And they altered/divided it • *wa-baddalū-hu* • *wa-baddadū-hu* 11) They cut it [their book] up into books, each party with that which *wa-dhālika anna-hum taqaṭṭaʿū-hu zuburan, kullu ḥizbin bi-mā laday-him fariḥūn* (+ verse)

Theme 2

Who:	*What they did:*
12) Those who made a mutual oath against Ṣāliḥ and Allāh • *alladhīna taqāsamū bi-Ṣāliḥ* . . . [Qur'ān 27:48] . . . *taqāsamū bi-Allāh ḥattā balagha al-āyah*	13) The singular of *ʿiḍīn* is *ʿuḍw* and it is inferred from their saying *ʿaḍḍayta al-shayʾ taʿḍiyatan* if you separate it just as Ru'bah said, "the religion of God is not *muʿaḍḍā*" and means "separated". Likewise another said, "the tribe of ʿAwf *ʿaḍḍā*; as for their enemy, he satisfied; as for the might among them, it changed." By *ʿaḍḍā* he means "captured them and cut them into pieces." • *fa-wajjaha qāʾilū hādhā al-maqāla qawla-hu "ʿiḍīn" ilā anna wāḥida-hā: ʿuḍw, wa-anna ʿiḍīn jamʿu-hu, wa-anna-hu maʾkhūdh min qawli-him ʿaḍḍayta al-shayʾ taʿḍiyatan: idhā faraqta-hu, ka-mā qāla Ruʾbah: "wa-laysa dīn Allāh bi-muʿaḍḍā" yaʿnī "bi-mufarraq". Wa-kamā qāla al-ākhar: "wa-ʿaḍḍā banī ʿAwf fa-ammā ʿadūwa-hum/fa-arḍā wa-ammā al-ʿizza min-hum fa-ghayyarā" yaʿnī bi-qawli-hi "wa-ʿaḍḍā": sabbā-hum wa-qaṭṭa ʿā-hum bi-alsinati-him*

Table 1 (*cont.*)

Theme 3	
Who:	*What they did:*
14) A group of Qurashīs • *raht khamsah min Quraysh* • *al-mushrikūn min Quraysh* • *Quraysh*	15) They slandered the Qurʾān saying it is magic, poetry or madness (or soothesaying) • *ʿaḍḍahū al-Qurʾān* • *ʿaḍḍahū kitāb Allāh* • *ʿaḍahū-hu wa-bahatū-hu*
	16) Magic (poetry, soothsaying, possessed by jinn) • *siḥran* • *al-ʿaḍh al-siḥr bi-lisān Quraysh, taqūlu li-al-sāḥirah: inna-hā al-ʿāḍihah* • *wa-al-ʿiḍīn bi-lisān Quraysh al-siḥr, yuqālu li-al-sāḥirah al-ʿāḍihah* • *siḥran aʿḍāʾ al-kutub kullu-hā wa-Quraysh faraqū al-Qurʾān, qālū: huwa siḥr* • *hādhā siḥr wa-shiʿr* • *qāla baʿḍu-hum: kihānah. wa-qāla baʿḍu-hum: huwa siḥr. wa-qāla baʿḍu-hum: shiʿr. wa-qāla baʿḍu-hum: asāṭīr al-awwalīna iktataba-hā* [Qurʾān 25:5] . . . *al-āyah* • *fa-qāla baʿḍu-hum: sāhir. wa-qāla baʿḍu-hum: shāʿir. wa-qāla baʿḍu-hum: majnūn. fa-dhālika al-ʿiḍūn* • *zaʿama baʿḍu-hum anna-hu siḥr wa-zaʿama baʿḍu-hum anna-hu shiʿr wa-zaʿama baʿḍu-hum anna-hu kāhin*
	17) al-Walīd b. al-Mughīrah
	18) Interdicting the roads during the fair

Berg's translation of Ibn Hishām's story on al Walīd ibn al-Mughīra's intrigues against the Prophet[242]

> When the fair was due, a number of the Quraysh came to al-Walīd b. al-Mughīra, who was a man of some standing, and he addressed them in these words: 'The time of the fair has come around again and representatives of the Arabs will come to you and they will have heard about this fellow of yours, so agree upon an opinion without dispute so that none will give the lie to the other.' They replied, 'You give us your opinion about him.' He said, 'No, you speak and I will listen.' They said, 'He is a soothsayer.' He said, 'By God, he is not that, for he has not the unintelligent murmuring and rhymed speech of the soothsayer.' 'Then he is possessed [by jinn],' they said. 'No, he is not that,' he said, 'we have seen the possessed ones, and here is no choking, spasmodic movements and whispering.' 'Then he is a poet, 'they said. 'No, he is no poet, for we know poetry in all its forms and metres.' 'Then he is a sorcerer.' 'No, we have seen sorcerers and their sorcery, and here is no spitting and no knots.'[243] 'Then what are we to say, O Abū ʿAbd Shams?' they asked. He replied, 'By God his speech is sweet, his root is a palm-tree whose branches are fruitful, and every thing you have said would be known to be false. The nearest thing to the truth is you saying that he is a sorcerer, who has brought a message by which he separates a man from his father, or from his brother, or from his wife, or from his family.' At this point they left him, and began to sit on the paths which men take when they come to the fair. They warned everyone who passed them about Muhammad's doings. God revealed concerning al-Walīd: … [Qurʾān 74:11–16] … Then God revealed concerning the men who were with him, composing a term to describe the apostle and the revelation he brought from God, "Just as we sent down on the partitioners those who made the Qurʾān into pieces. By thy Lord, we will ask them about what they used to do." So these men began to spread this report about the apostle with everyone they met so that the Arabs went away from the fair knowing about the apostle, and he was talked about in the whole of Arabia.[244]

[242] H. Berg, "Competing Paradigms in the Study of Islamic Origins," p. 273.

[243] See Qurʾān 113:4.

[244] Muhammad b. Isḥāq, *The Life of Muḥammad: a Translation of Isḥāq's* [sic!] Sīrat Rasūl Allāh, translated by A. Guillaume (Oxford: Oxford University Press, 1950), 121 (Ibn Hishām, *al-Sīrah al-nabawīyah*, 270–272). See also p. 130 where Muḥammad is again accused "of being a poet, sorcerer, diviner, and of being possessed," and pp. 135–136 where he is defended against these accusations.

Berg's translation of al-Farrāʾ's exegesis of Qurʾān 15:89-91[245]

> "'I am the clear warner.' Just as we sent down on the partitioners." He is saying: I warned of what I sent down upon the partitioners. The partitioners are men from the people of Mecca. The people of Mecca sent them to the paths [to the city] during the days of the *ḥajj*. They said, "If the people ask you about the Prophet, say, 'He is a soothsayer.'" They said to some of them, "Say, 'He is a sorcerer,'" to some, "He is divided between the two," and to some, "Say, 'He is possessed by jinn [i.e., crazy].'" Allāh sent down a punishment upon them. They died, or five of them had an evil death. They are called partitioners *because they partitioned the roads of Mecca*.
>
> "Who made the Qurʾān into fragments." They divided it [*farraqū-hu*]. That is, they maintained that it was sorcery, a lie, and ancient tales. And *al-ʿidūna* [sic] in the speech of the Arabs is none other than "sorcery." It is said that *ʿaḍḍaw-hu*, that is, "they divided it [*farraqū-hu*]" just as sheep and the slaughter camel are *tuʿaḍḍaw*. The singular of *al-ʿiḍīn* is *ʿiḍah*, its nominative is *ʿiḍūn*, and its accusative and genitive are *ʿiḍīn*. And among the Arabs are those who put the letter *yāʾ* in all cases and vocalize the letter *nūn*....[246]

[245] H. Berg, "Competing Paradigms in the Study of Islamic Origins," p. 280.
[246] Abū Zakarīyā Yaḥyā b. Ziyād al-Farrāʾ, *Maʿānī al-Qurʾān*, edited by Aḥmad Yūsuf Najātī and Muḥammad ʿAlī al-Najjār (Cairo: Maṭbaʿat dār al-kutub al-miṣrīyah, 1955), 2:91–92.

CHAPTER SIX

THE RAID OF THE HUDHAYL: IBN SHIHĀB AL-ZUHRĪ'S VERSION OF THE EVENT

Nicolet Boekhoff-van der Voort

I. Introduction

At the dawn of Islam, the Hudhayl were a tribe of Northern Arab descent living near Mecca.[1] According to the Islamic sources, they were related to the Quraysh in Mecca, with whom they sided in their struggle against the prophet Muḥammad and the new religion of Islam.[2] To revenge the murder of their chief Sufyān ibn Khālid ibn Nubayḥ by ʿAbd Allāh ibn Unays, who had acted on the authority of the prophet Muḥammad, a branch of the Hudhayl, the Liḥyān, ambushed a group of Muslims sent by Muḥammad and killed most of them. They sold the remaining Muslims in Mecca, where the prisoners were killed in the end.[3] Muḥammad tried to attack the Liḥyān a few months later as a reaction to their raid, but he did not succeed in overtaking them.[4]

The raid of the Hudhayl is part of the *sīra*, "the life of Muḥammad", and belongs to the *maghāzī*, the stories about Muḥammad's military campaigns. According to the Muslim historiographical sources, the raid took place at the end of the year 3/625 or in the beginning of the year 4/625 after the battle of Uḥud.[5] The Muslim source material contains a number of variant narrative accounts of the raid. The aim of the study is to examine the origins and the authenticity of one of these variants, the account attributed to the famous Medinan transmitter Ibn Shihāb al-Zuhrī (d. 124/742).

[1] I would like to thank prof. H. Motzki and prof. C. Versteegh for their valuable suggestions to improve this article. Any inaccuracy or mistake is, of course, my fault.

[2] G. Rentz, "Hudhayl," in *Encyclopaedia of Islam. New Edition (EI2)*, III, Leiden 1971, 540–541.

[3] G. Levi Della Vida, "Liḥyān. In Islamic Sources," in *EI2*, V, Leiden 1986, 763.

[4] A. Guillaume, *The Life of Muhammad. A Translation of Ibn Ishaq's Sirat Rasul Allah*, Karachi 1978, 485–486.

[5] Ibn Isḥāq places the raid in the year 3 A.H. according to the version of Ibn Hishām, but most other sources agree on the year 4 A.H. See for example Ibn Kathīr, *al-Bidāya wa-l-nihāya*, IV, Beirut 1966, 61–62. Ibn Hishām, *Sīrat sayyidnā Muḥammad rasūl Allāh*, I, Frankfurt am Main 1961, 638.

The article deals with the issue of whether the traditions ascribed to al-Zuhrī are fictitious or not. Schacht claims that most of them are fabricated, not only the legal ones but also those on the life of Muḥammad.[6] Juynboll follows Schacht's opinion by suggesting that "it is no longer possible to shift the genuine Zuhrī-traditions from the fabricated ones".[7] Motzki, however, shows that large amounts of al-Zuhrī's legal traditions can be reconstructed by a comparative study of ʿAbd al-Razzāq's *Muṣannaf* and Mālik's *Muwaṭṭaʾ*.[8] Recently, it has been argued that there are also genuine al-Zuhrī-traditions dealing with the life of Muḥammad. One case was even detected by Juynboll, while others were published by Schoeler, Motzki and Görke.[9] Besides, Schoeler has recently shown that on the basis of the sources available at present Schacht's conclusions on al-Zuhrī's traditions about the life of Muḥammad are erroneous.[10]

In a recent publication, Juynboll discusses the origin and the authenticity of al-Zuhrī's tradition on the raid of the Hudhayl analysed in this study. He concludes that "Zuhrī is doubtless the chronicler of this *khabar*". However, he questions the authenticity of the part of the chain of transmitters below al-Zuhrī, which he describes as an "improvement" from a later transmitter. Al-Zuhrī's original chain was probably *mursal*[11] without the name of al-Zuhrī's informant, who he supposes is "wholly fictitious".[12]

The method applied in this study to examine the origins of the traditions ascribed to al-Zuhrī is the *isnād-cum-matn* analysis developed by Schoeler and Motzki. The research starts with an analysis of the

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[6] J. Schacht, *The Origins of Muhammadan Jurisprudence*, Oxford 1950, 246 and "On Mūsā b. ʿUqba's *Kitāb al-Maghāzī*," in *Acta Orientalia* 21 (1953), 288–300.

[7] G.H.A. Juynboll, *Muslim Tradition: Studies in Chronology, Provenance and Authorship of Early Ḥadīth*, Cambridge 1983, 158.

[8] See chapter 1 of this book. The article was originally published as "Der Fiqh des -Zuhrī: die Quellenproblematik," in *Der Islam* 68 (1991), 1–45.

[9] G.H.A. Juynboll, "Early Islamic Society as Reflected in its Use of Isnāds," in *Le Muséon* 107 (1994), 151–194; 182 in particular. G. Schoeler, *Charakter und Authentie der muslimischen Überlieferung über das Leben Mohammeds*, Berlin 1996. H. Motzki, "The Murder of Ibn Abī l-Huqayq: On the Origin and Reliability of some Maghāzī-Reports," in *The Biography of Muhammad: The Issue of the Sources*, ed. H. Motzki, Leiden 2000, 170–239. A. Görke, "The Historical Tradition about al-Ḥudaybiya. A Study of ʿUrwa b. al-Zubayr's Account," in *The Biography*, ed. H. Motzki, 240–275.

[10] G. Schoeler, "Mūsā b. ʿUqba's Maghāzī," in *The Biography*, ed. H. Motzki, 67–97.

[11] *Mursal* is an *isnād* in which the name of the Companion is lacking between the Successor – al-Zuhrī in this case – and the Prophet. G.H.A. Juynboll, "Mursal," in *EI2*, VII, Leiden 1993, 631.

[12] G.H.A. Juynboll, *Encyclopedia of Canonical Ḥadīth*, Leiden 2007, 718.

isnāds, the chains of transmitters, of as many variants as possible of the same tradition. The chains of transmission of all the variants are drawn in a diagram that starts with the different compilers in whose collection the tradition is found and ends with the (real or alleged) reporter of the event. The aim of the exercise is to identify common transmitters of the different strands and – most important – the earliest common transmitter (the common link) that is the focal point of the diagram and that is hypothetically assumed to be the distributor of the tradition in question.

The next step is the comparison of the textual variants (*mutūn*) of the tradition with respect to the use of words and the structure of the text. The differences and similarities are noted in order to determine whether the traditions derive from a common source or whether one has been copied from another. The rule is that differences, even slight ones, are an indication of a real transmission process whereas identical texts must be suspected of having been copied from each other and their *isnād* of having been forged. This rule is based on the peculiarities of early transmission in Islam, which has been mainly oral even if often supported by written notes.[13]

Thereupon, the results from the analysis of the texts are compared with the results from the analysis of the chains of transmission. If the *matn* analysis supports the *isnād* analysis it can be assumed that the tradition is not fabricated by later compilers but must have a real history. The common link, the earliest transmitter all traditions have in common, can then be established as the one who distributed the tradition or at least the reconstructed kernel. The date of death of the common link provides a secure date for the tradition, yet the possibility cannot be excluded that the whole tradition or parts of its content are from an earlier date.

Finally, the traditions will be compared with similar ones circulated by others than al-Zuhrī in order to determine whether his material goes back to even earlier sources and to what degree his transmission varies from others.

I have collected thirty-five variants of al-Zuhrī's story about the raid of the Hudhayl. The traditions vary in length. Seventeen (48.6%) are detailed traditions, thirteen (37.1%) short, three (8.6%) are of medium length and two (5.7%) only state the *isnād*. Roughly, al-Zuhrī's detailed

[13] G. Schoeler, *Écrire et transmettre dans les débuts de l'islam*, Paris 2002 and *Charakter*, 33–35.

traditions exist of three parts. The first part describes the attack of the Liḥyān. The second part is about the imprisonment and death of one of the members of Muḥammad's party, Khubayb al-Anṣārī, while the last and shortest part describes the unsuccessful attempt of some Quraysh to lay hold of the body of ʿĀṣim ibn Thābit, who was killed during the attack of the Liḥyān.

The variants come from twenty-one collections of twenty different authors dating from the third to the ninth Islamic century. The collections vary from historical works (*Taʾrīkh, Sīra* and *Maghāzī*) to *ḥadīth*-collections (*Ṣaḥīḥ, Sunan, Musnad* and *Muṣannaf*) and biographical dictionaries (*Ṭabaqāt*). The authors of the collections placed the majority of the traditions in chapters dealing with history or historical events, like *kitāb al-taʾrīkh, kitāb al-maghāzī, kitāb al-siyar, kitāb al-jihād, ghazwat al-Rajīʿ* and *sanat arbaʿ*. The other traditions appear in chapters on one of the people mentioned in the story or the *isnād*, or on a variety of topics like, *awwal man* (the first person who), *tawḥīd* (belief in the unity of God), *janāʾiz* (funeral rites).

II. *Isnād* analysis

Four different students of al-Zuhrī preserved a version of his story about the raid of the Hudhayl based on the data from the *isnād*: Ibrāhīm ibn Ismāʿīl (n.d.), Ibrāhīm ibn Saʿd (d. 183/799), Maʿmar ibn Rāshid (d. 153/770) and Shuʿayb ibn Abī Ḥamza (d. 162/779–780). The number of different traditions per student is as follows:

Table 1: Number and type of tradition per student of al-Zuhrī

Students al-Zuhrī	Detailed	Medium	Short	*Isnād* only	Total
Ibrāhīm ibn Ismāʿīl	1	1	0	0	2
Ibrāhīm ibn Saʿd	7	1	5	1	14
Maʿmar	7	1	7	0	15
Shuʿayb	2	0	2	1	5
	17	3	14[14]	2	36[14]

[14] The actual number is 35 traditions and among them 13 short stories. One short tradition derives from a combined transmission of two students of al-Zuhrī, Maʿmar and Ibrāhīm ibn Saʿd, according to the *isnād*. I counted each transmission as a separate tradition of each student.

Ibrāhīm ibn Ismāʿīl

The two traditions that are attributed to Ibrāhīm ibn Ismāʿīl both derive according to the information from the *asānīd* from the same student of Ibrāhīm, i.e. Jaʿfar ibn ʿAwn (d. 207/822).[15] The *ḥadīth*-collector Ibn Abī Shayba (d. 235/849) received the story about the raid of the Hudhayl directly from him, while the scholar al-Ṭabarī (d. 310/922) got it via Abū Kurayb [Muḥammad ibn al-ʿAlāʾ] (d. 248/862).[16] The remaining part of the *isnād* is the same, except for one important detail. The detailed tradition of al-Ṭabarī does not mention al-Zuhrī as source of Ibrāhīm ibn Ismāʿīl. There are, however, two indications that the name of al-Zuhrī is missing,[17] either by mistake or deliberately.

First, the medium length tradition of Ibn Abī Shayba that mentions the name of al-Zuhrī contains the same striking detail as the tradition from al-Ṭabarī. Both transmission chains express the uncertainty whether al-Zuhrī (Ibrāhīm ibn Ismāʿīl in al-Ṭabarī's version) heard the tradition from ʿAmr ibn Asīd or ʿUmar ibn Asīd from the narrator of the tradition, Abū Hurayra. Secondly, the *matn* of the detailed tradition of al-Ṭabarī looks at first glance similar to the *mutūn* of the other students of al-Zuhrī. It seems very likely that al-Ṭabarī's tradition is from al-Zuhrī also, but we need to include the comparison of the *mutūn* to give a conclusive and more detailed answer.

Ibrāhīm ibn Saʿd

The *asānīd* of the traditions ascribed to Ibrāhīm ibn Saʿd provide us with the information that apparently six different persons received (parts of) the tradition from Ibrāhīm ibn Saʿd: Abū Dāwūd al-Ṭayālisī (d. 204/819), Ibrāhīm ibn Ḥamza (d. 230/845), Maʿn ibn ʿĪsā (d. 198/814), Manṣūr ibn Abī Muzāḥim (d. 235/850), Mūsā ibn Ismāʿīl (d. 223/838) and Yaʿqūb ibn Ibrāhīm (d. 208/823), the son of Ibrāhīm ibn Saʿd.[18]

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[15] See the *isnād*-schedule below on p. 316.

[16] Al-Ṭabarī only mentions the *kunya* Abū Kurayb. Al-Ṭabarī, *Taʾrīkh al-rusul wa-l-mulūk*, III, Leiden 1964, 1434 (*Dhikr al-aḥdāth allatī kānat fī sanat arbaʿ min al-hijra*). He is Abū Kurayb Muḥammad ibn al-ʿAlāʾ ibn Kurayb al-Hamdānī al-Kūfī. Al-Mizzī, *Tahdhīb al-kamāl fī asmāʾ al-rijāl*, VI, Beirut 1998, 466–468 (no. 6120).

[17] The *matn*-analysis and the comparison with the traditions from the other students of al-Zuhrī will show that Ibrāhīm ibn Ismāʿīl heard the tradition about the raid of the Hudhayl from al-Zuhrī. Otherwise, I would also have mentioned the possibility that the name al-Zuhrī was added in one transmission line.

[18] See the complete *isnād*-schedule in the appendix at the end of the chapter.

Three traditions have a double *isnād*. One short tradition derives from a combined report from two students of al-Zuhrī, Ibrāhīm ibn Saʿd and Maʿmar. Al-Ṭabarānī combines these two transmissions in *al-Muʿjam al-kabīr* and gives the following *isnād*: Isḥāq ibn Ibrāhīm al-Dabarī → ʿAbd al-Razzāq → Maʿmar → al-Zuhrī **and** Muṣʿab ibn Ibrāhīm ibn Ḥamza al-Zubayrī → his father → Ibrāhīm ibn Saʿd → al-Zuhrī → ʿUmar ibn Asīd ibn Jāriya al-Thaqafī → Abū Hurayra.[19] Al-Mizzī mentions a tradition via the same transmission in *Tahdhīb al-kamāl fī asmāʾ al-rijāl*.[20]

Ibn Saʿd also combines two transmissions, but they derive from two separate accounts. The *isnād* he gives at the beginning of his detailed story is ʿAbd Allāh ibn Idrīs al-Awdī → Muḥammad ibn Isḥāq → ʿĀṣim ibn ʿUmar ibn Qatāda ibn al-Nuʿmān al-Ẓafarī **and** Maʿn ibn ʿĪsā al-Ashjaʿī → Ibrāhīm ibn Saʿd → Ibn Shihāb → ʿUmar ibn Asīd ibn al-ʿAlāʾ ibn Jāriya.[21] The account of Ibn Isḥāq (d. 150/767) is preserved in many collections and will later on be compared with the traditions that are attributed to al-Zuhrī.

Ibn Ḥanbal says at the beginning of the last tradition with a combined *isnād* that he heard the tradition from Sulaymān ibn Dāwūd (= Abū Dāwūd al-Ṭayālisī) and Ibrāhīm's son, Yaʿqūb ibn Ibrāhīm. He explicitly states, however, that he gives Sulaymān's version.[22]

In the lower part, the transmission lines display confusion in the name of the informant of al-Zuhrī similar to the traditions from Jaʿfar ibn ʿAwn/Ibrāhīm ibn Ismāʿīl. Nine of the fourteen traditions give variants of the name ʿUmar ibn Asīd ibn Jāriya al-Thaqafī,[23] four ʿAmr ibn Asīd ibn Jāriya al-Thaqafī and one ʿUmayr ibn Asīd *ʿan* Jāriya. The last version seems to be a transmission error, ʿUmayr instead of ʿAmr or ʿUmar and *ʿan* instead of *bn*. The *matn* analysis will confirm this.[24] Furthermore, the *matn*-analysis will help to answer the question if Ibrāhīm ibn Saʿd transmitted several versions of the name of al-Zuhrī's informant or just one name (if so, which name) which was transformed during later transmission.

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[19] Al-Ṭabarānī, *al-Muʿjam al-kabīr*, XVII, Cairo n.d., 175 (no. 463) (ʿĀṣim ibn Thābit ibn Abī Aflaḥ).

[20] Al-Mizzī, *Tahdhīb*, V, 418 (no. 4963).

[21] Ibn Saʿd, *al-Ṭabaqāt al-kubrā*, II, Beirut 1957–1960, 55–56.

[22] Ibn Ḥanbal, *Musnad al-Imām Aḥmad ibn Ḥanbal*, II, Beirut 1413/1993, 393–394 (no. 7947) (*Musnad* Abī Hurayra).

[23] Beside the name mentioned above, the following variants appear: ʿUmar ibn Asīd ibn Jāriya, ʿUmar ibn Asīd ibn al-ʿAlāʾ ibn Jāriya, ʿUmar ibn Jāriya al-Thaqafī.

[24] See the conclusions below on pp. 324 and 337.

One tradition – this is in fact the only tradition in the research collection – is traced back to Muḥammad. The name of Abū Hurayra is placed between brackets and should therefore be seen as an addition from the editor. It is possible that the word *ʿan* stands in this case for 'concerning' instead of 'on the authority of'. This would mean that Muḥammad does not take part in the transmission, but it indicates that he plays a role in the story (which he does).

Maʿmar ibn Rāshid

My research collection contains traditions from four students of Maʿmar: ʿAbd Allāh ibn Dāwūd (d. 213/828), ʿAbd al-Razzāq (d. 211/826), Hishām ibn Yūsuf (d. 197/813) and al-Wāqidī (d. 207/823). The main part of the traditions is from ʿAbd al-Razzāq, nine of the fifteen traditions.[25] Ibn al-Athīr (d. 630/1233) gives one tradition from Maʿmar without mentioning the people who transmitted the story from Maʿmar to him.[26]

Twelve traditions give the name ʿAmr ibn Abī Sufyān as the informant of al-Zuhrī, while only two mention ʿUmar ibn Asīd ibn Jāriya al-Thaqafī.[27] These two traditions are the two versions of the combined tradition of Maʿmar and Ibrāhīm ibn Saʿd. Since all traditions that mention the informant of al-Zuhrī have the name ʿAmr ibn Abī Sufyān, except the two traditions that derive from a combined transmission with Ibrāhīm ibn Saʿd, it seems probable that Ibrāhīm ibn Saʿd is responsible for the deviating appellation ʿUmar ibn Asīd ibn Jāriya al-Thaqafī.

Shuʿayb ibn Abī Ḥamza

Abū al-Yamān[28] transmitted four of the five traditions that are allegedly from Shuʿayb according to the transmission chains. The fifth tradition is from Abū Dāwūd al-Sijistānī (d. 275/888) directly from Shuʿayb. Abū Dāwūd does not mention his informants in this short tradition, but there is another tradition from Shuʿayb on the raid of the Hudhayl

[25] Among these traditions is the short tradition of al-Ṭabarānī that derived from a combined transmission of Maʿmar and Ibrāhīm ibn Saʿd and that is also preserved in the *Tahdhīb* of al-Mizzī. See pp. 334–335 where this tradition is discussed in more detail.

[26] Ibn al-Athīr, *Usd al-ghāba fī maʿrifat al-ṣaḥāba*, III, [Cairo] 1970–1973, 111–112 (2663 ʿĀṣim ibn Thābit).

[27] One tradition stops at the level of al-Zuhrī.

[28] He is al-Ḥakam ibn Nāfiʿ al-Bahrānī from Ḥimṣ. Al-Mizzī, *Tahdhīb*, II, 252 (no. 1432).

via Ibn ʿAwf → Abū al-Yamān → Shuʿayb in his *Sunan* in a different chapter.[29] Maybe he heard the tradition for which he does not mention his source via the same people, but it is not possible to draw a conclusion based on the information in the *isnād* alone. Abū Dāwūd could as well have got the tradition from another person. Unfortunately, since the tradition with the informant of Abū Dāwūd only consists of an *isnād* without *matn*, the *matn*-analysis cannot solve this problem.

The most remarkable aspect of Shuʿayb's traditions is that he mentions another informant of al-Zuhrī in the middle of the story at the beginning of the part where the daughter of al-Ḥārith tells about the imprisonment and killing of Khubayb.[30] According to the version of Shuʿayb, al-Zuhrī heard this part from ʿUbayd Allāh or ʿAbd Allāh ibn ʿIyāḍ[31] or from al-Ḥārith's daughter. The other students of al-Zuhrī do not mention this person; the story of Khubayb is part of the tradition from Abū Hurayra. Did the other three students not mention the separate *isnād* or did Shuʿayb add this information to the tradition himself? We will return to this question after the next part of the analysis.

Conclusion Isnād *Analysis*

The information from the analysis of the lines of transmission tells us that al-Zuhrī taught the story of the raid of the Hudhayl to several students. Al-Zuhrī's students transmitted the story further on and spread it in Yemen and Iraq until it ended up in Egypt and countries as far as Khurāsān, Sijistān and Transoxania (nowadays parts of Iran and Afghanistan). The transmission to his students must have taken place before 124/742 when al-Zuhrī died.

There seems to be confusion in the name of the informant of al-Zuhrī. Four different names appear as al-Zuhrī's source from Abū Hurayra: ʿAmr ibn Abī Sufyān al-Thaqafī, ʿAmr ibn Asīd ibn Jāriya

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[29] The short tradition without informants is from *Sunan Abī Dāwūd*, III, Beirut n.d., 189 (part of no. 3112) (*Kitāb al-janāʾiz – Bāb al-marīḍ yuʾkhadhu min azfārihi wa-ʿānatihi*) and the one with informants is from *Sunan*, III, 51 (no. 2661) (*Kitāb al-jihād – Bāb fī al-rajul yasta'siru*).

[30] See below on p. 353 line 13.

[31] The name in the printed edition of al-Nasāʾī's *al-Sunan al-kubrā* is ʿAbd Allāh ibn ʿAbbās. This is an incorrect adaptation, since the editor writes in a footnote that the name in the manuscript is ʿIyāḍ. Al-Nasāʾī, *Kitāb al-sunan al-kubrā*, V, Beirut 1411/1991, 262 (footnote 6) (78 *Kitāb al-siyar* – 159 *Bāb tawjīh al-ʿuyūn wa-l-tawliya ʿalayhim*). The correct name is ʿUbayd Allāh ibn ʿIyāḍ, see al-Mizzī, *Tahdhīb*, V, 58 (no. 4261).

al-Thaqafī, ʿUmar ibn Asīd ibn Jāriya al-Thaqafī and ʿUmayr ibn Asīd. Shuʿayb and Maʿmar both agree on the name ʿAmr ibn Abī Sufyān. Ibrāhīm ibn Ismāʿīl is not certain whether the correct name is ʿAmr or ʿUmar ibn Asīd and gives them both in his *isnād*. All variants of the name appear in the traditions of Ibrāhīm ibn Saʿd. The names look so much alike, that they will probably be the same person.

Al-Mizzī mentions that his name is ʿAmr ibn Abī Sufyān ibn Asīd ibn Jāriya al-Thaqafī from Medina, an ally of the Zuhra-clan, but that he was called after his grandfather, i.e. ʿAmr ibn Asīd. Some people call him ʿUmar, but the correct name is ʿAmr.[32] This explains why several variants of the same name appear in the transmission lines. It also confirms my suspicion that we probably deal with just one person, although we have to analyse the *mutūn* first to be certain. The information from the *asānīd* does not answer the question who is responsible for the different appellations. Are they transmission errors or the result of uncertainty about the correct name as Ibrāhīm ibn Ismāʿīl expressed or did al-Zuhrī use different names for his informant?

We will now turn to the analysis of the *matn* to see whether al-Zuhrī was indeed responsible for the spread of the tradition. Furthermore, the analysis might solve or confirm the issues discussed above.

III. *Matn* Analysis per Student of al-Zuhrī

Ibrāhīm ibn Ismāʿīl

The detailed version (L16) from the *Taʾrīkh* of al-Ṭabarī is the main text for the comparison of the traditions ascribed to Ibrāhīm ibn Ismāʿīl.[33] The text is as follows.[34]

[...] ما ثنآ ابو كريب قال ثنآ جعفر بن عون العمري قال ثنآ ابراهيم بن اسماعيل عن عمرو او عمر بن أسيد عن ابي هريرة ان رسول الله صلعم[35] بعث عشرة رهط وأمر عليهم عاصم بن ثابت فخرجوا حتى اذا كانوا بالهدءة ذكروا لحي من هذيل يقال لهم بنو لحيان فبعثوا اليهم مائة رجل راميا فوجدوا مأكلهم حيث

[32] Al-Mizzī, *Tahdhīb*, V, 418 (no. 4963).
[33] Al-Ṭabarī, *Taʾrīkh*, III, 1434–1436 (*Dhikr al-aḥdāth allatī kānat fī sanat arbaʿ min al-hijra*).
[34] All line numbers in this paragraph refer to the lines mentioned below in the Arabic text.
[35] I shortened the eulogy *ṣallā Allāh ʿalayhi wa-sallam* everywhere to *ṣlʿm*.

اكلوا التمر فقالوا هذه نوى يثرب ثم اتبعوا آثارهم حتى اذا احس بهم عاصم وأصحابه التجؤا الى جبل فأحاط بهم الآخرون فاستنزلوهم وأعطوهم العهد فقال عاصم والله لا انزل على عهد كافر اللهم أخبر نبيك عنا ونزل اليهم ابن الدثنة البياضي وخبيب ورجل آخر فأطلق القوم اوتار قسيهم ثم اوثقوهم فجرحوا رجلا من الثلاثة فقال هذا والله اول الغدر والله لا اتبعكم فضربوه فقتلوه وانطلقوا بخبيب وابن الدثنة الى مكة فدفعوا خبيبا الى بني الحارث بن عامر بن نوفل بن عبد مناف وكان خبيب هو الذي قتل الحارث بأحد فبينما خبيب عند بنات الحارث اذ استعار من احدى بنات الحارث موسى يستحد بها للقتل فما راع المرأة ولها صبي يدرج الا بخبيب قد أجلس الصبي على فخذه والموسى في يده فصاحت المرأة فقال خبيب اتخشين اني اقتله ان الغدر ليس من شأننا قال فقالت المرأة بعد ما رايت أسيرا قط خيرا من خبيب لقد رايته وما بمكة من ثمرة وان في يده لقطفا من عنب يأكله ان كان الا رزقا رزقه الله خبيبا وبعث حي من قريش الى عاصم ليؤتوا من لحمه بشيء وقد كان لعاصم فيهم آثار بأحد فبعث الله عليه دبرا فحمت لحمه فلم يستطيعوا ان يأخذوا من لحمه شيئا فلما خرجوا بخبيب من الحرم ليقتلوه قال ذروني أصل ركعتين فتركوه فصلى سجدتين فجرت سنة لمن قتل صبرا أن يصلي ركعتين ثم قال خبيب لولا ان يقولوا جزع لزدت وما أبالي على اي شق[36] كان لله مصرعي ثم قال وذلك في ذات الاله وإن يشأ يبارك على أوصال شلو ممزع اللهم أحصهم عددا وخذهم بددا ثم خرج به ابو سروعة بن الحارث بن عامر بن نوفل بن عبد مناف فضربه فقتله.

[…] among what Abū Kurayb told us he said, Jaʿfar ibn ʿAwn al-ʿAmrī told us he said, Ibrāhīm ibn Ismāʿīl told us on the authority of ʿAmr or ʿUmar ibn Asīd on the authority of Abū Hurayra that the messenger of God sent out a group of ten men, appointing ʿĀṣim ibn Thābit as their leader (1).[37] They departed until they came to al-Hadʾa, [when] they were mentioned to a clan of Hudhayl, called the Banū Liḥyān (2). They sent out 100 archers to them (3). They found the place where they had eaten dates (4) and said, "These are date pits from Yathrib [= Medina]." (5) The Banū Liḥyān followed their tracks (6). When ʿĀṣim and his companions noticed them, they fled to a mountain (7). So, the others surrounded them (8), asked them to come down and gave them [their] pledge (9).

[36] The word in al-Ṭabarī's tradition is *shiqqayya*, which is most probably a copyist error. The editor of al-Ṭabarī's work mentions in a footnote the variant *shiqq* also. The traditions from Maʿmar and Shuʿayb confirm the latter variant.

[37] I composed a list of all elements that are present in the variant traditions of al-Zuhrī's story about the raid of the Hudhayl. The numbers between brackets indicate the elements that are present in this tradition. The numbers of the elements that are not in this version are omitted.

ʿĀṣim said, "By God, I will not come down on the basis of the promise of an unbeliever (10).[38] O God, inform Your prophet about us!" (11)

Ibn al-Dathinna al-Bayāḍī, Khubayb and another man surrendered to them (15). The clan untied the strings of their bows and bound them (16). They wounded one of the three men (17), who said, "This is, by God, the first sign of treachery.[39] By God, I shall not follow you!" (18) They hit him and killed him (21), while they took Khubayb and Ibn al-Dathinna to Mecca (22).

They turned Khubayb over to the sons of al-Ḥārith ibn ʿĀmir ibn Nawfal ibn ʿAbd Manāf, since Khubayb was the one who had killed al-Ḥārith at Uḥud (23). While Khubayb stayed with the daughters of al-Ḥārith, he borrowed from one of the daughters of al-Ḥārith a razor to shave [his pubic hair] for the killing (25). The woman, who had a little son, who walked slowly, was not afraid of Khubayb until he had placed the boy on his thigh with the razor still in his hand (27). The woman cried out (28), but Khubayb said, "Are you afraid that I shall kill him? Treachery is not our nature." (29)

He said, the woman said later on, "I have never seen a better prisoner than Khubayb. (30) I saw him eating from a bunch of grapes in his hand at a time when there was no fruit in Mecca (31). It was certainly food that God gave to Khubayb (32).

A clan of Quraysh sent [messengers] out for ʿĀṣim to bring something from his body (42), because of the scars ʿĀṣim had inflicted upon them at Uḥud.[40] (43) God sent a swarm of bees to him that protected his body (44), so they were not able to take anything from his body (45).

When they went with Khubayb out of the sacred territory to kill him, he said, "Let me alone to perform a short prayer consisting of two cycles." (33) They left him alone and he performed two cycles (34). It became a manner of acting to perform a short prayer consisting of two cycles for anyone who was bound until he was put to death[41] (40). Then Khubayb said, "If they would not say 'he was afraid [to die]' I would have performed more (35). I do not care how my death comes, since it is in God's cause." (37) Then he said, "For that is God's prerogative; and if He wishes He will give His blessing to severed limbs.[42] (38) O God, register them by number and punish them one by one." (36) Then Abū

[38] *Kāfir* can mean unbeliever, but also a man wearing arms. See Lane, *An Arabic-English Lexicon*, II, Cambridge 1984, 2622.

[39] Literally: the first treachery.

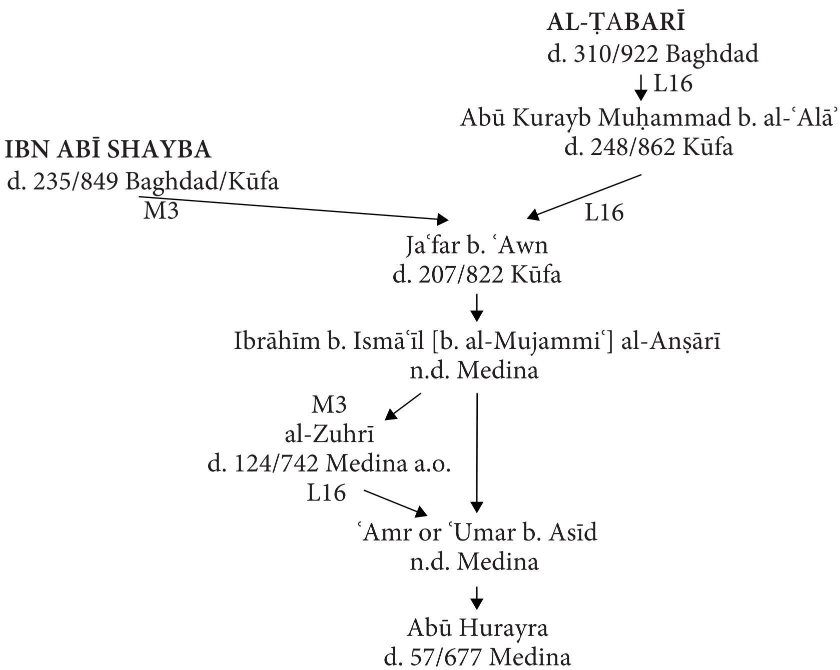
[40] Literally: ʿĀṣim had in them scars at Uḥud.

[41] The words *qatalahu ṣabran* mean to confine a man [with bonds or otherwise] alive, and then shoot, or cast, at him until he is dead. Lane, *Lexicon*, II, 1644.

[42] The translation of these lines is from Trevor le Gassick. See Ibn Kathīr, *The Life of the Prophet Muḥammad: A Translation of al-Sīra al-Nabawiyya*, III, [Doha/Qatar] 2000, 85.

> Sirwaʿa[43] ibn al-Ḥārith ibn ʿĀmir ibn Nawfal ibn ʿAbd Manāf went with him, hit him and killed him (39).

The *isnād*-schedule of the traditions from Ibrāhīm ibn Ismāʿīl is as follows:



The medium length tradition of Ibn Abī Shayba describes the same events until element 11.[44] The tradition ends in the middle of element 15 without any reference to a shortening of the text. When we compare the ending with the detailed version, it turns out that the story even ends in the middle of a sentence. The text of Ibn Abī Shayba is

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[43] A variant version of this name is Abū Sarwaʿa. I will use the version from my edition of al-Mizzī's *Tahdhīb*, V, 195 (no. 4562), i.e. Abū Sirwaʿa. His first name is ʿUqba. He became a Muslim on the day of the conquest of Mecca.

[44] Ibn Abī Shayba, *al-Muṣannaf*, V, Beirut 1409/1989, 391 (no. 36864) (*Kitāb al-taʾrīkh – Ghazwat Banī Liḥyān*).

wa-nazala ilayhi [*sic*] *Ibn Dathinna al-Bayāḍī*, while al-Ṭabarī's version is *wa-nazala ilayhim Ibn al-Dathinna al-Bayāḍī* ***wa-Khubayb wa-rajul ākhar***. Ibn Abī Shayba placed the tradition in the *kitāb al-taʾrīkh* under the chapter on the raid of the Banū Liḥyān. The name of the chapter does not give any clue why we find here a short(ened) version instead of the complete tradition. It seems even more plausible that the tradition should include at this place at least the complete role of the Banū Liḥyān, so until element 18, when they give Khubayb to the sons of al-Ḥārith ibn ʿĀmir. Is the shortening perhaps the result of a defect in the manuscript or a transmission error? That might be the case, but it is also possible that Ibn Abī Shayba decided just to use the beginning of the tradition in spite of the above-mentioned arguments.

Anyway, the two *mutūn* are very similar apart from mainly copyist errors. The tradition of Ibn Abī Shayba has *sariyya ʿaynan* after *rahṭ* (l2), *bi-l-Hadda* instead of *bi-l-Hadʾa* (l3), *lajaʾū* instead of *iltajaʾū* (l4), *ilayhi* instead of *ilayhim* and *Dathinna* instead of *al-Dathinna* (l6). The main difference between the two texts is the name of al-Zuhrī in the *isnād* of Ibn Abī Shayba, which is absent in al-Ṭabarī's tradition, besides the difference in length. Hence, the conclusion would be that these traditions derive from the same source. The common link, who is responsible for the spread of this tradition of Abū Hurayra on the raid of the Hudhayl, is the first transmitter that both traditions have in common, in this case Jaʿfar ibn ʿAwn. When the information of the transmission chains is correct and al-Zuhrī is the informant of only one of these traditions, the *mutūn* would deviate much more. Therefore, one of the two chains is faulty. Comparison with variants of other al-Zuhrī-versions will show whether this is indeed a tradition from al-Zuhrī or not.

Ibrāhīm ibn Saʿd

The earliest collection that contains a detailed version is the *Musnad* of Abū Dāwūd al-Ṭayālisī, but the following analysis will show that that version deviates from the other detailed traditions. Therefore, I chose as the main text for the comparison the tradition of Abū Dāwūd al-Ṭayālisī from the *Musnad* of Ibn Ḥanbal.[45]

[45] Ibn Ḥanbal, *Musnad*, II, 393–394 (no. 7947) (*Musnad* Abī Hurayra). All line numbers in this paragraph refer to the lines mentioned below in the Arabic text.

حدثنا عبد الله حدثنا أبي حدثنا سليمان بن داود أخبرنا إبراهيم بن سعد عن الزهري – ويعقوب قال: حدثنا أبي عن ابن شهاب. قال أبي: وهذا حديث سليمان الهاشمي – عن عمر بن أسيد بن جارية الثقفي حليف بني زهرة وكان من أصحاب أبي هريرة أن أبا هريرة قال: بعث رسول الله صلعم عشرة رهط عينا وأمر عليهم عاصم بن ثابت بن أبي الاقلح[46] جد عاصم بن عمر بن الخطاب فانطلقوا حتى اذا كانوا بالهدة بين عسفان ومكة ذكروا حيا من هذيل يقال لهم بنو لحيان فنفروا لهم بقريب من مائة رجل رام فاقتصوا آثارهم حتى وجدوا مأكلهم التمر في منزل نزلوه قالوا: نوى تمر يثرب فاتبعوا آثارهم فلما أخبر بهم عاصم وأصحابه لجؤا الى فدفد فأحاط بهم القوم فقالوا لهم: انزلوا وأعطونا بأيديكم ولكم العهد والميثاق أن لا نقتل منكم أحدا فقال عاصم بن ثابت أمير القوم: أما أنا فوالله لا انزل في ذمة كافر اللهم أخبر عنا نبيك صلعم فرموهم بالنبل فقتلوا عاصما في سبعة ونزل اليهم ثلاثة نفر على العهد والميثاق منهم خبيب الأنصاري وزيد بن الدثنة ورجل آخر فلما تمكنوا منهم أطلقوا أوتار قسيهم فربطوهم بها فقال الرجل الثالث: هذا اول الغدر والله لا أصحبكم إن لي بهؤلاء لأسوة يريد القتل فجرروه وعالجوه فأبى أن يصحبهم فقتلوه فانطلقوا بخبيب وزيد بن الدثنة حتى باعوهما بمكة بعد وقعة بدر فابتاع بنو الحارث بن عامر بن نوفل بن عبد مناف خبيبا وكان خبيب هو قتل الحارث بن عامربن نوفل يوم بدر فلبث خبيب عندهم أسيرا حتى أجمعوا قتله فاستعار من بعض بنات الحارث موسى يستحد بها للقتل فأعارته إياها فدرج بني لها قالت وأنا غافلة حتى أتاه فوجدته يجلسه على فخذه والموسى بيده قالت: ففزعت فزعة عرفها خبيب قال: أتخشين أني اقتله؟ ما كنت لافعل فقالت: والله ما رأيت أسيرا قط خيرا من خبيب قالت: والله لقد وجدته يوما يأكل قطفا من عنب في يده وإنه لموثق في الحديد وما بمكة من ثمرة وكانت تقول: إنه لرزق رزقه الله خبيبا فلما خرجوا به من الحرم ليقتلوه في الحل قال لهم خبيب: دعوني أركع ركعتين فتركوه فركع ركعتين ثم قال: والله لولا أن تحسبوا أن ما بي جزعا من القتل لزدت اللهم أحصهم عددا واقتلهم بددا ولا تبق منهم أحدا: فلست أبالي حين أقتل مسلما على اي جنب كان لله مصرعي وذلك في ذات الإله وإن يشأ يبارك على أوصال شلو ممزع ثم قام إليه أبو سروعة عقبة بن الحارث فقتله وكان خبيب هو سن لكل مسلم قتل

[46] This word is printed as *al-Aflaj*. The editor of this edition of the *Musnad* (or perhaps even the manufacturer of the manuscript on which the edited version is based) made a mistake in the diacritical marks, because the versions of Ibn al-Athīr, Abū Dāwūd al-Ṭayālisī and al-Bayhaqī agree on *al-Aqlaḥ*. See also W. Caskel (ed.), *Ǧamharat an-nasab. Das Genealogische Werk des Hišām ibn Muḥammad al-Kalbī*, I, Leiden 1966, 178.

صبرا الصلاة واستجاب الله عز وجل لعاصم بن ثابت يوم أصيب فأخبر رسول الله صلعم أصحابه يوم أصيبوا خبرهم وبعث ناس من قريش إلى عاصم بن ثابت حين حدثوا أنه قتل ليؤتى بشيء منه يعرف وكان قتل رجلا من عظمائهم يوم بدر فبعث الله عز وجل على عاصم مثل الظلة من الدبر فحمته من رسلهم فلم يقدروا على أن يقطعوا منه شيئا.

ʿAbd Allāh told us: my father told us: Sulaymān ibn Dāwūd told us: Ibrāhīm ibn Saʿd informed us on the authority of al-Zuhrī – and Yaʿqūb, he said, my father told us on the authority of Ibn Shihāb. My father [Ibn Ḥanbal] said, "This is the tradition of Sulaymān al-Hāshimī – on the authority of ʿUmar ibn Asīd ibn Jāriya al-Thaqafī, the ally of the Zuhra-clan and one of the companions (= students) of Abū Hurayra, that Abū Hurayra said:

The messenger of God sent out a scouting expedition of ten men, appointing ʿĀṣim ibn Thābit ibn Abī al-Aqlaḥ, the grandfather of ʿĀṣim ibn ʿUmar ibn al-Khaṭṭāb,[47] as their leader (1). They went away until they came to al-Hadda between ʿUsfān[48] and Mecca, [when] they were mentioned to a clan of Hudhayl, called the Banū Liḥyān (2). They hurried to them with about 100 archers and followed their tracks (3), until they found the place where they had eaten dates in a campsite (4), they said, "[These are] date pits from Yathrib." (5) They followed their tracks (6).

When ʿĀṣim and his companions were informed about them, they fled to an elevated place in the desert (7). So, the clan surrounded them (8) and said to them, "Come down surrendering yourselves on the pledge and promise[49] that we do not kill anyone of you." (9) ʿĀṣim ibn Thābit the leader of the party said, "As for me, by God, I will not come down on the basis of safety promised by an unbeliever (10). O God, inform Your prophet about us!" (11)

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[47] Ibn Ḥajar remarks that ʿĀṣim ibn Thābit is not the grandfather but the uncle of ʿĀṣim ibn ʿUmar ibn al-Khaṭṭāb. Ibn Ḥajar, *Fatḥ al-bārī sharḥ Ṣaḥīḥ al-Bukhārī*, VII, Beirut 1989, 484. The confusion derives from the name of ʿĀṣim ibn ʿUmar's mother. Most sources call her Jamīla bint Thābit, but some refer to her as Jamīla bint ʿĀṣim ibn Thābit. See for example Ibn Abī Shayba, *al-Muṣannaf*, IV, 180 (no. 19124) or Khalīfa ibn Khayyāṭ, *Kitāb al-Ṭabaqāt*, Beirut 1993, 409 for the latter version. Ibn Saʿd relates that ʿUmar ibn al-Khaṭṭāb was married to Jamīla, the daughter of Thābit ibn Abī al-Aqlaḥ and the sister of ʿĀṣim ibn Thābit. Hence, the latter is the uncle of ʿĀṣim ibn ʿUmar. Ibn Saʿd, *Ṭabaqāt*, VIII, 346. The versions of Maʿmar and Shuʿayb from al-Zuhrī mention the same information as the version of Ibrāhīm ibn Saʿd, which means that al-Zuhrī transmitted it like this.

[48] ʿUsfān is a watering place between Mecca and Medina at a distance of a two-day journey from Mecca. Yāqūt al-Ḥamawī, *Muʿjam al-buldān*, IV, Beirut 1397/1977, 121–122.

[49] Literally: you have the pledge and promise.

They shot arrows at them and killed ʿĀṣim and six other people (12), while three men surrendered to them on the pledge and promise, among whom were Khubayb al-Anṣārī, Zayd ibn al-Dathinna and another man (15). When they seized them, they untied the strings of their bows and tied them with them (16). The third man said, "This is the first sign of treachery. By God, I shall not accompany you (18). I have truly in those ones an example!" – By which he meant death (19). They dragged him along struggling with him, but he refused to come with them (20) and they killed him (21). They took Khubayb and Zayd ibn al-Dathinna [with them] and eventually, they sold them in Mecca [- all this happened] after the battle at Badr (22).

The sons of al-Ḥārith ibn ʿĀmir ibn Nawfal ibn ʿAbd Manāf bought Khubayb, because Khubayb was the one who had killed al-Ḥārith ibn ʿĀmir ibn Nawfal on the day of Badr (23). Khubayb stayed with them as a prisoner until they decided to kill him (24). He borrowed from one of the daughters of al-Ḥārith a razor to shave [his pubic hair] for the killing and she loaned him one (25). A little son of hers walked slowly – she said, "While I did not pay attention" – until he reached him (26). I found him putting him on his thigh while he [Khubayb] had the razor in his hand." (27) She said, "I got terrified, which Khubayb noticed." (28) He said, "Are you afraid that I shall kill him? I would never do [such a thing]." (29)

She said, "By God, I have never seen a better prisoner than Khubayb." (30) She said, "By God, I found him one day eating from a bunch of grapes in his hand, while he was still in irons and while there was no fruit in Mecca." (31). She used to say, "It was certainly food that God gave to Khubayb (32).

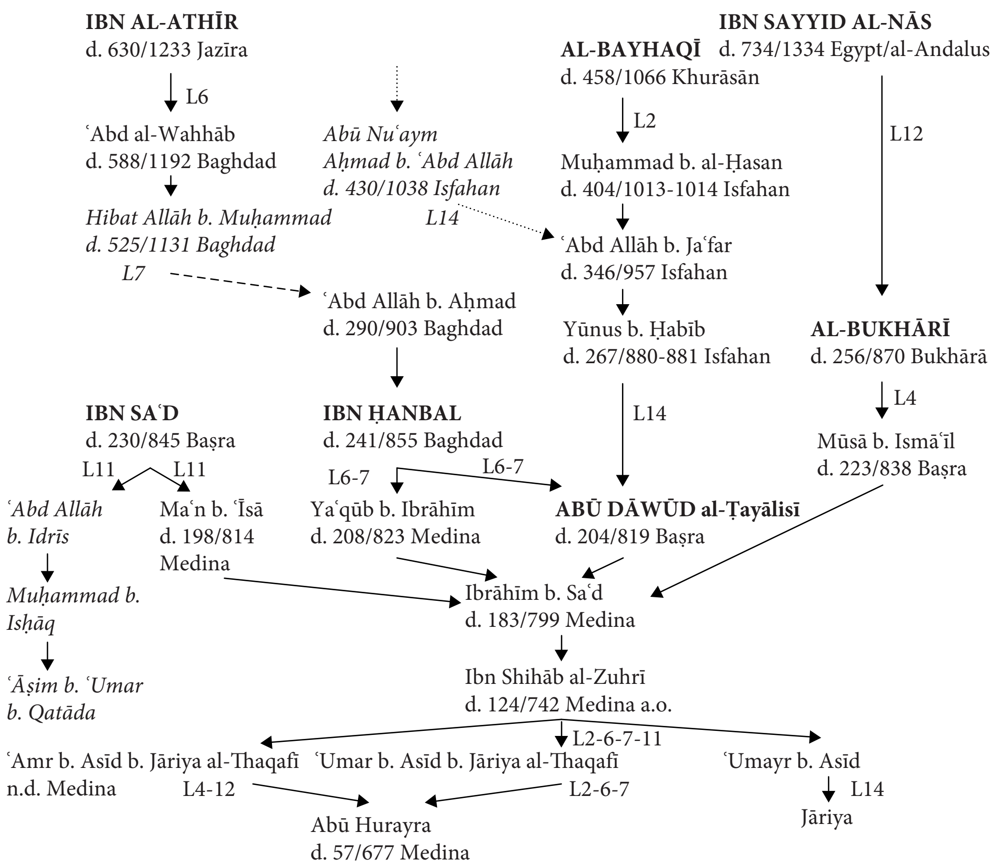
When they went with him out of the sacred territory to kill him in the *ḥill*,[50] Khubayb asked them, "Allow me to perform a short prayer consisting of two cycles." (33) They left him alone and he performed a short prayer consisting of two cycles (34). Then he said, "By God, if you would not think that I was afraid of the killing I would have performed more (35). O God, register them by number, kill them one by one and leave no one of them (36). Being killed as a Muslim, I do not care how my death comes, since it is in God's cause (37). For that is God's prerogative; and if He wishes He will give His blessing to severed limbs." (38) Then Abū Sirwaʿa ʿUqba ibn al-Ḥārith came to him and killed him (39). It was Khubayb who established the practice of the *ṣalāh* for each Muslim who was bound until he was put to death (40).

God to Whom belong might and majesty anwered [the prayer of] ʿĀṣim ibn Thābit on the day he was killed. The messenger of God informed

[50] The *ḥill* is the region that is outside the sacred territory. Lane, *Lexicon*, I, 621.

his companions regarding their matter on the day they were killed (41). People of Quraysh sent [messengers] out for ʿĀṣim ibn Thābit when they were told that he was killed to bring something from him by which they could recognize him (42), because he had killed one of their nobles on the day of Badr (43). God to Whom belong might and majesty sent to ʿĀṣim a cloud-like swarm of bees that protected him from their messengers (44), so they were not able to cut anything from him (45).

We will start with the comparison of the detailed traditions. The *isnād*-schedule of the detailed traditions from Ibrāhīm ibn Saʿd is as follows:



Ibn al-Athīr mentions at the beginning of his detailed tradition about the raid of the Hudhayl (L6) that he received the tradition from ʿAbd al-Wahhāb ibn Hibat Allāh ibn ʿAbd al-Wahhāb via his *isnād* to ʿAbd Allāh ibn Aḥmad, the son of the famous scholar Ibn Ḥanbal.[51] At the beginning of Ibn al-Athīr's book *Usd al-ghāba* it is said that to avoid lengthy *asānīd* only the name of the author of the book and the following transmitter are mentioned.[52] Therefore, Ibn al-Athīr received the *Musnad* of Ibn Ḥanbal from Abū Yāsir ʿAbd al-Wahhāb ibn Hibat Allāh → Abū al-Qāsim Hibat Allāh ibn Muḥammad ibn ʿAbd al-Wāḥid ibn al-Ḥusayn (d. 525/1131) → Abū ʿAlī al-Ḥasan ibn ʿAlī ibn al-Mudhhib al-Wāʿiẓ (d. 444/1052) → Abū Bakr ibn Mālik al-Qaṭīʿī (d. 368/978–979) → ʿAbd Allāh ibn Aḥmad ibn Ḥanbal.[53] The *Musnad* of Ibn Ḥanbal is preserved through the same *riwāya* apart from Abū Yāsir ʿAbd al-Wahhāb.[54]

Since tradition L6 of Ibn al-Athīr (IA) is handed down via almost the same *riwāya* as the tradition L7 of Ibn Ḥanbal, we will start with the comparison of these two *mutūn*. The differences between the texts are very small. Most differences derive from transmission or copyist errors, for example *ukhbira* (l6) instead of *aḥassa* (IA),[55] *qardad* (IA) instead of *fadfad* (l7), *al-qatl* (l11) instead of *al-qatlā* (IA),[56] *ataḥsabīna* (IA) instead of *atakhshayna* (l15) and *mujlisahu* (IA) instead of *yujlisuhu* (l15).[57] Two differences are additions from Ibn al-Athīr or Abū Yāsir ʿAbd al-Wahhāb: the explanations *yaʿnī Aḥmad* (L6 Ibn al-Athīr (IA)) after *qāla abī* (l2) and *li-ummihi* (L6 IA) after *jadd ʿĀṣim ibn ʿUmar ibn al-Khaṭṭāb* (l4), since the tradition of Ibn Ḥanbal does not mention them; neither does any other tradition attributed to Ibrāhīm ibn Saʿd. Larger differences in Ibn al-Athīr's tradition are the addition of the *nisba* al-Anṣārī after the name ʿĀṣim ibn Thābit ibn Abī al-Aqlaḥ (l4), *min al-mawt* instead of *min al-qatl* (l19), *ḥīna* instead of *yawm**[58] (l22) and *ʿaẓīman minhum* instead of *min ʿuẓamāʾihim** (l24).

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[51] Ibn al-Athīr, *Usd al-ghāba*, II, 120–122 (1417 *Bāb* Khubayb ibn ʿAdī).

[52] Ibn al-Athīr, *Usd al-ghāba*, I, 14 of the introduction.

[53] Ibn al-Athīr, *Usd al-ghāba* I, 16 of the introduction.

[54] Ibn Ḥanbal, *Musnad*, I, 3.

[55] In this case, the other five traditions from Ibrāhīm ibn Saʿd that mention this sentence agree on *aḥassa*. This means that the word *ukhbira* in the text of Ibn Ḥanbal is a mistake.

[56] The two other traditions from Ibrāhīm ibn Saʿd that mention this sentence agree on *al-qatlā*.

[57] Four other traditions from Ibrāhīm ibn Saʿd that mention this sentence agree on *mujlisahu*.

[58] The asterisk indicates the word that other traditions from Ibrāhīm ibn Saʿd agree on.

Since the traditions of Ibn Ḥanbal and Ibn al-Athīr look so much alike, they have to derive from a common source. The common source is the late transmitter Abū al-Qāsim Hibat Allāh ibn Muḥammad ibn ʿAbd al-Wāḥid ibn al-Ḥuṣayn (d. 525/1131) according to the chains of transmitters. The high degree of similarity of the *mutūn* indicates a written transmission.

The next two detailed traditions that we will include in the analysis of the *mutūn* are like the versions L6 and L7 of Ibn Ḥanbal also from Abū Dāwūd al-Ṭayālisī according to the *isnād*, although from another student, Yūnus ibn Ḥabīb (d. 267/880–881) instead of Ibn Ḥanbal. One tradition (L14) is from the *Musnad* of Abū Dāwūd al-Ṭayālisī himself and the other from al-Bayhaqī (L2).[59] It seems as if Yūnus ibn Ḥabīb is the last transmitter the two texts have in common, but when we look at the *riwāya* of the *Musnad* another common name appears, Yūnus ibn Ḥabīb's student ʿAbd Allāh ibn Jaʿfar (d. 346/957).[60]

The traditions look very much alike. The main differences are the omission of the *nasab* Ibn al-Khaṭṭāb (*raḍiya Allāh ʿanhu*) after the name ʿĀṣim ibn ʿUmar and the omission of *fa-aḥāṭa bihim al-qawm* in L14 *Musnad*. Furthermore, al-Bayhaqī mentions once *wa-anshaʾa yaqūlu*, whereas the *Musnad* has *thumma yaqūlu*. The remaining differences consist of transmission or copyist errors and additional eulogies.[61]

However, we find the most important difference in wording between the two texts not in the *matn* itself but in the lower part of the *isnād*. The text of the *Musnad* is *ʿan al-Zuhrī ʿan ʿUmayr ibn Asīd*

[59] Abū Dāwūd al-Ṭayālisī, *Musnad Abī Dāwūd al-Ṭayālisī*, Haydarabad 1321/[1904], 338–339 (Abū (*sic*) Jāriya *ʿan* Abī Hurayra). Al-Bayhaqī, *Kitāb al-sunan al-kubrā*, IX, Haydarabad 1344–1355/[1925–1934], 145–146 (*Kitāb al-siyar – Jummāʿ abwāb al-siyar – Bāb ṣalāt al-asīr idha qudima li-yuqtala*).

[60] The *riwāya* of the *Musnad* of Abū Dāwūd al-Ṭayālisī is Abū al-Makārim Aḥmad ibn Muḥammad ibn Muḥammad → Abū ʿAlī al-Ḥasan ibn Aḥmad ibn al-Ḥasan al-Ḥaddād → Abū Nuʿaym Aḥmad ibn ʿAbd Allāh ibn Aḥmad ibn Isḥāq al-Ḥāfiẓ → Abū Muḥammad ʿAbd Allāh ibn Jaʿfar ibn Aḥmad ibn Fāris → Abū Bishr Yūnus ibn Ḥabīb → Sulaymān ibn Dāwūd = Abū Dāwūd al-Ṭayālisī. Abū Dāwūd al-Ṭayālisī, *Musnad*, 2.

[61] The word *yaʿnī* is inserted in the text of al-Bayhaqī in one place without any further explanation, which might be a negligence of the editor. Al-Bayhaqī or his informant Muḥammad ibn al-Ḥasan is probably responsible for this clarifying word (and perhaps an – in this case missing – explanation).

ʿan Jāriya ḥalīf Banī Zuhra wa-kāna min aṣḥāb Abī Hurayra qāla, while al-Bayhaqī has *ʿan al-Zuhrī ʿan ʿUmar ibn Asīd ibn Jāriya ḥalīf Banī Zuhra wa-kāna min aṣḥāb Abī Hurayra ʿan Abī Hurayra raḍiya Allāh ʿanhu qāla*. Because the two traditions are almost identical it is not possible that al-Zuhrī received the information from two different transmitters as the *asānīd* seem to suggest. The different *asānīd* are the result of transmission errors. The question is which is the correct version? The word *ʿan* between the names ʿUmayr ibn Asīd and Jāriya is clearly a copyist error. *ʿAn* and *bn* look very much alike in writing. The missing part *ʿan Abī Hurayra* in the *Musnad* is also probably the result of a slip of the pen, since the name Abū Hurayra appears twice close after each other in the *isnād*. It is more difficult with the name ʿUmayr or ʿUmar. Is seems more likely that ʿUmar is the correct version, since al-Bayhaqī mentions that name and Ibn Ḥanbal. However, we cannot exclude that al-Bayhaqī or one of the transmitters before him adjusted the name ʿUmayr to ʿUmar.

When we compare the version of ʿAbd Allāh ibn Jaʿfar → Yūnus ibn Ḥabīb with the version of Ibn Ḥanbal, both from Abū Dāwūd al-Ṭayālisī, some remarkable differences appear. In the first place, the structure of part of the text: the order of the elements in Yūnus ibn Ḥabīb's section dealing with Khubayb differs from the text of Ibn Ḥanbal. According to the version of Ibn Ḥanbal, the order is in short: gathering to kill – razor – best prisoner – bunch of grapes – two *rakʿāt* – speech Khubayb – Abū Sirwaʿa kills Khubayb – Khubayb established custom of the two *rakʿāt*. The order in the tradition of Yūnus ibn Ḥabīb is best prisoner – bunch of grapes – razor – gathering to kill – two *rakʿāt* – Khubayb established custom of two *rakʿāt* – speech Khubayb.

In the second place, the content: the version of Yūnus ibn Ḥabīb does not mention certain information. While Ibn Ḥanbal mentions explicitly that ʿĀṣim was one of the seven persons killed during the fight with the Banū Liḥyān and that Khubayb and Zayd ibn al-Dathinna were among the three persons who surrendered, in the version of Yūnus ibn Ḥabīb this becomes only clear in the course of the story. Furthermore, he does not mention that Khubayb was brought outside the sacred area of Mecca when he was killed and who killed him. Also the information is missing that God answered ʿĀṣim ibn Thābit's prayer and that the prophet Muḥammad informed his companions on the death of the scouting party on the same day they were killed.

In the third place, the version of Yūnus ibn Ḥabīb contains many different formulations and sometimes words or even complete sentences are missing compared with the version of Ibn Ḥanbal. For example, *bi-miʾa* instead of *bi-qarīb min miʾa* (l5), *fa-ttabaʿū* instead of *fa-qtaṣṣū* (l5), *khalaw* (L14 *Musnad*) or *ḥallū* (L2 al-Bayhaqī) instead of *aṭlaqū* (l10), the addition of the *nasab* Ibn ʿAdī after the name Khubayb (l12), *fa-shtarā* instead of *fa-btāʿa* (l12), *ṣadrihi* instead of *fakhdhihi* (l15), *ḥāl* instead of *janb* (l20), *al-mushrikūna* instead of *nās min Quraysh* (l23) and *yaʾkhudhū* instead of *yaqṭaʿū* (l25). Examples of missing words are *fī manzil nazalūhu* (l6), *wa-aʿṭūnā bi-aydīkum* (l7), *nafar* (l9), *fa-abā an yaṣḥabahum* (l11), *wa-l-mūsā bi-yadihi* (l15), *fa-tarakūhu* (l18), *ḥīna ḥuddithū annahu qutila* (l23) and *yuʿrafu* (l23).

Despite the many differences in formulation and the variant order of the elements in the section dealing with Khubayb, still a large part of the traditions is similar in formulation and structure. Therefore, both versions must derive from a common source, Abū Dāwūd al-Ṭayālisī according to the *isnād*. The differences indicate an independent transmission of both versions.

It is strange to find so many differences between two texts of the same transmitter at this level in the *isnād*-tree. We find this large difference often at a lower level in the *isnād*-tree, between the students of al-Zuhrī or earlier. We will return to this issue after the comparison of the last two detailed versions allegedly of another student of Ibrāhīm ibn Saʿd, Mūsā ibn Ismāʿīl.

The two detailed traditions are both from al-Bukhārī from Mūsā ibn Ismāʿīl from Ibrāhīm ibn Saʿd. One tradition is found in the *Ṣaḥīḥ* of al-Bukhārī (L4) and the other in the late collection of Ibn Sayyid al-Nās (L12).[62] The traditions of al-Bukhārī and Ibn Sayyid al-Nās are nearly identical, except for seven small differences, six copyist errors and once the word *ʿaẓīman* instead of *rajulan* near the end of the story.

Comparison of all the *mutūn* of al-Bukhārī and the traditions from Abū Dāwūd al-Ṭayālisī shows that although the traditions of al-Bukhārī derive from another student of Ibrāhīm ibn Saʿd according to the *isnād*, they correspond more to the version of Ibn Ḥanbal

[62] Al-Bukhārī, *Kitāb al-Jāmiʿ al-Ṣaḥīḥ*, III, Leiden 1902–1908, 61–62 (*Kitāb al-maghāzī – Bāb* 30). Ibn Sayyid al-Nās, *ʿUyūn al-athar fī funūn al-maghāzī wa-l-shamāʾil wa-l-siyar*, II, Medina 1413/1992, 62–63 (*Baʿth al-Rajīʿ*).

from Abū Dāwūd al-Ṭayālisī than the version of Yūnus ibn Ḥabīb from Abū Dāwūd al-Ṭayālisī. Since Ibn Ḥanbal and Yūnus ibn Ḥabīb received their tradition from the same person, we would have expected otherwise. How can we explain this situation? Do the traditions of Ibn Ḥanbal from Abū Dāwūd al-Ṭayālisī and of al-Bukhārī from Mūsā ibn Ismāʿīl not derive from independent transmissions, i.e. is the source information of one of the two *asānīd* incorrect?

The answer to the last question is no. The version of al-Bukhārī contains several formulations that the traditions from Ibn Ḥanbal and Yūnus ibn Ḥabīb do not have, i.e. they are peculiarities of al-Bukhārī's transmission from Mūsā ibn Ismāʿīl. Some examples are the *nasab* Ibn Shihāb instead of the *nisba* al-Zuhrī (l1), ʿAmr ibn Asīd instead of ʿUmar (or ʿUmayr) ibn Asīd, *mawḍiʿ* instead of *fadfad* or *qardad* (l7), *ayyuhā al-qawm* instead of *amīr al-qawm* (l8), *bi-l-ḥadīd* instead of *fī al-ḥadīd* (l17), *an yuʾtaw* instead of *li-yuʾtaw* (l23) and the omission of the words *rahṭ* (l3), *fa-nṭalaqū* (l4), *nawā* (l6), *fī sabʿa* (l9), *bi-Makka* (l12) and the *nisba* Ibn ʿAbd Manāf (l12–13).

Some differences can perhaps be attributed to mistakes or inaccuracies of al-Bukhārī, like the omission of *raḥṭ, fa-nṭalaqū* and *fī sabʿa*. The version of al-Bukhārī has to be compared with the version of another student of Mūsā ibn Ismāʿīl to define which differences are peculiarities of Mūsā's transmission and which mistakes were made by his students. As far as I know, a tradition of that sort is not available. Anyway, the number and degree of differentiation corresponds to what we expect to find at this level of transmission. The conclusion is that the version of al-Bukhārī and the one from Ibn Ḥanbal derive from separate transmissions.

This does not exclude the possibility that the source information in one of the *asānīd* is incorrect. For example, Ibn Ḥanbal mentions at the beginning of his tradition that he received the tradition via two different ways, from Sulaymān ibn Dāwūd [= Abū Dāwūd al-Ṭayālisī] → Ibrāhīm ibn Saʿd and from Yaʿqūb → his father [= Ibrāhīm ibn Saʿd]. If Ibn Ḥanbal's tradition is indeed the version of Yaʿqūb instead of the one from Abū Dāwūd al-Ṭayālisī, the explanation for the deviating version would be that two students of Ibrāhīm ibn Saʿd transmitted a similar version, while one student told a slightly different version. However, it is very unlikely that Ibn Ḥanbal made a mistake in the source from whom he received the text, because he explicitly mentions that the text is from Sulaymān ibn Dāwūd.

If we assume that the information in the three *asānīd* is correct, a possible explanation for the deviation might be that Abū Dāwūd al-Ṭayālisī adjusted his tradition over time. Ibn Ḥanbal lived from 164–241/780–855 and Yūnus ibn Ḥabīb until 267/880–881.[63] Given the span of time between the years in which they died, it seems very likely that they studied at different times with Abū Dāwūd al-Ṭayālisī who died in 204/819. Furthermore, there is a gap of at least 63 years between the time Yūnus ibn Ḥabīb must have studied with Abū Dāwūd al-Ṭayālisī and his death, so it is possible that Yūnus was his student at a young age, which may have caused these differences.

Finally, another possible explanation is that either Abū Dāwūd al-Ṭayālisī or Yūnus ibn Ḥabīb transmitted the story orally instead of through writing or dictation. Oral transmission – probably combined with written notes – could cause differences such as a different order in the elements, omission of elements, different formulations; the kind of differences we found in the comparison of the *mutūn* of Ibn Ḥanbal and Yūnus ibn Ḥabīb. We know that ʿAbd Allāh ibn Jaʿfar transmitted his tradition by means of writing, because there are very few differences between the traditions in the *Musnad* of Abū Dāwūd al-Ṭayālisī (L14) and in the *Sunan* of al-Bayhaqī (L2), which are from two different students of ʿAbd Allāh ibn Jaʿfar. Abū Nuʿaym Aḥmad ibn ʿAbd Allāh (d. 430/1038) transmitted the *Musnad*,[64] while Muḥammad ibn al-Ḥasan (d. 404/1013–1014) transmitted the version of al-Bayhaqī.

Comparison of the detailed versions that are attributed to Ibrāhīm ibn Saʿd confirms that they derive indeed from a common source. The common source according to the *asānīd* is Ibrāhīm ibn Saʿd. We have his tradition in the version of two of his students, Abū Dāwūd al-Ṭayālisī and Mūsā ibn Ismāʿīl. Since the versions of Ibn Ḥanbal from Abū Dāwūd al-Ṭayālisī and Mūsā ibn Ismāʿīl are very similar, Ibrāhīm ibn Saʿd must have handed down the story about the raid of the Hudhayl by written transmission or dictation from a written text at a certain time during his life. Abū Dāwūd al-Ṭayālisī, his student Yūnus ibn Ḥabīb or ʿAbd Allāh ibn Jaʿfar are probably responsible for the deviating text of their version.

[63] Al-Dhahabī, *Siyar aʿlām al-nubalāʾ*, XII, Beirut 1406–1412/1986–1992, 596–597 (no. 227).

[64] See the complete *isnād* in footnote 60 and the *isnād*-schedule on p. 321.

When we combine the data from the different versions, the tradition of Ibrāhīm ibn Saʿd includes the following elements:

> Muḥammad sent a scouting expedition of ten men, appointing ʿĀṣim ibn Thābit ibn Abī al-Aqlaḥ the grandfather of ʿĀṣim ibn ʿUmar ibn al-Khaṭṭāb as their leader (1). When they came to al-Hadda (M:[65] al-Hadʾa) between ʿUsfān and Mecca, they are mentioned to a clan of Hudhayl, known as the Banū Liḥyān (2). They went with almost 100 (Y: exactly 100) archers after them (3). They found the place where Muḥammad's group ate dates (IH+M: in an abandoned campsite) (4). They recognised the date pits from Medina (5). (IH+M: They followed the tracks of the group (6).)
>
> When ʿĀṣim and his companions discovered them, they fled to an elevated place in the desert (M: place) (7). The clan surrounded them (8). The clan promised not to kill anybody, if they descended (IH and M: and surrendered themselves) (9). ʿĀṣim (IH: the leader of the party) said that he would not come down on the basis of safety promised by an unbeliever (10). He asked God to inform His prophet of them (Y: give His prophet their regards)[66] (11).
>
> The clan shot arrows at them (Y: they fought with them) and killed ʿĀṣim and six other people[67] (12). Three persons surrendered to them on the safeguard (IH+M: among whom were Khubayb, Zayd ibn al-Dathinna and another man) (15). When the clan seized them, they untied the strings of their bows and tied them with them (16). The third man said that that was the first sign of treachery (IH+M: and refused to follow them) (18). (IH+M: He said that he truly had an example in them, by which he meant the dead (19)). (IH+M: They dragged him along) struggling with him (IH+M: but he refused to follow them) (20). They killed him (21). They took Khubayb and Zayd ibn al-Dathinna and sold them in Mecca [- all this happened] after the battle at Badr (22).

[65] IH = version Ibn Ḥanbal → Abū Dāwūd al-Ṭayālisī. M = version al-Bukhārī → Mūsā ibn Ismāʿīl. Y = version Yūnus ibn Ḥabīb → Abū Dāwūd al-Ṭayālisī.

[66] The Arabic text is *balligh ʿannā nabīyaka al-salām*.

[67] Although the versions of al-Bukhārī and Yūnus ibn Ḥabīb do not explicitly mention this here, it becomes clear in the course of the story. M: they killed ʿĀṣim. Y: they killed seven of them.

The sons of al-Ḥārith (IH+M: ibn ʿĀmir ibn Nawfal) bought Khubayb, because he had killed al-Ḥārith on the day of Badr (23). He stayed with them as a prisoner (IH+M: until they decided to kill him) (24).

[The following part is based on the order of Ibn Ḥanbal → Abū Dāwūd al-Ṭayālisī (IH) and al-Bukhārī → Mūsā ibn Ismāʿīl (M).]

Khubayb borrowed a razor from a daughter of al-Ḥārith to shave his pubic hair (IH+Y: for the killing) (25). The woman did not pay attention to a little boy of her's who walked to Khubayb (26). She found him sitting on the thigh (Y: breast) of Khubayb (IH+M: who had the razor in his hand) (27). The woman got terrified, which Khubayb noticed (28). He asked her if she was afraid (Y: if she thought) that he would kill him. He said that he would never do (Y+M: such a thing) (29).

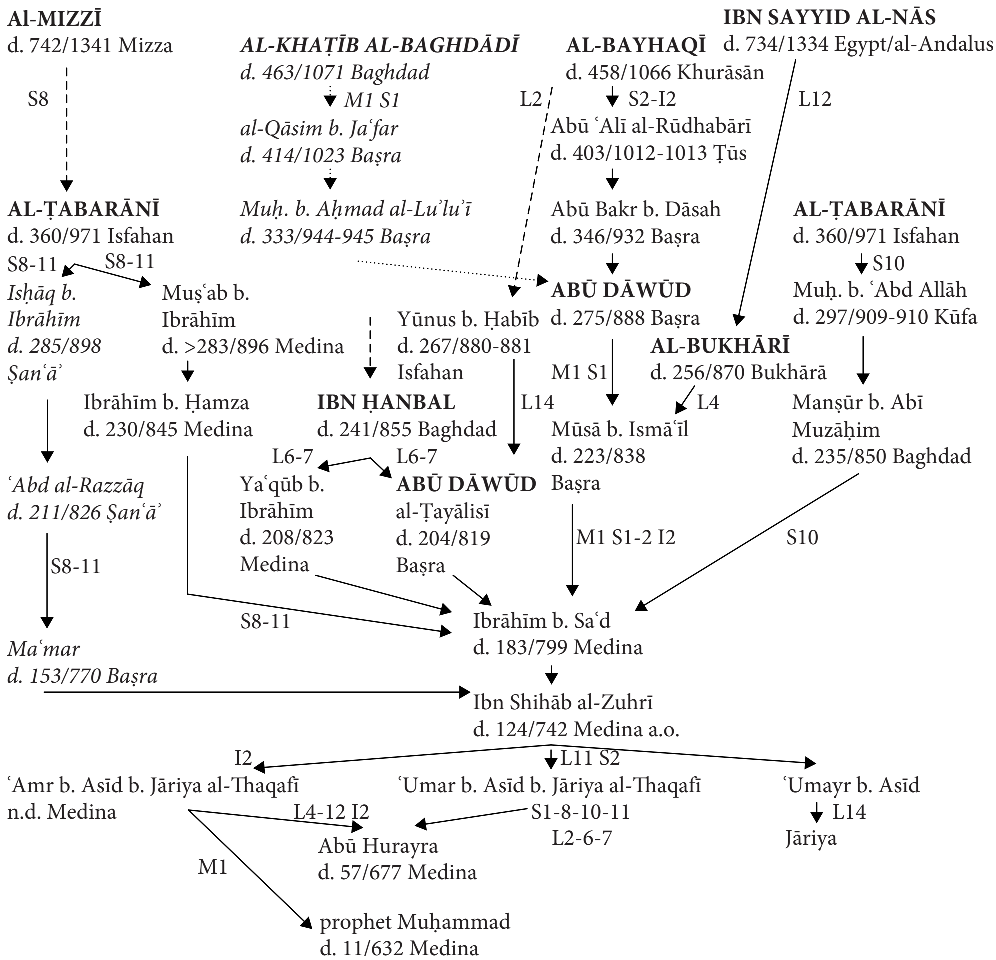
The woman said that she had never seen a better prisoner than Khubayb (30). She saw him eat from a bunch of grapes (IH+M: in his hand), while there was no fruit in Mecca at that time (IH+M: while he was still in irons) (31). It was certainly food that God gave to Khubayb (32).

When they left the sacred territory with Khubayb to kill him in the *ḥill* (Y: when they agreed to kill Khubayb), he asked them to allow him to perform a short prayer consisting of two cycles (33). (IH+M: They left him alone and) he performed a short prayer consisting of two cycles (34). Khubayb said that he would have performed more if they had not thought that he was afraid (IH: of the killing) (35). He said, "O God, register them by number, kill them one by one and leave no one of them." (36) He said, "Being killed as a Muslim, I do not care how my death comes, since it is in God's cause." (37) For that is God's prerogative; and if He wishes He will give His blessing to severed limbs." (38) (IH+M: Abū Sirwaʿa ʿUqba ibn al-Ḥārith came to him and killed him (39)). It was Khubayb who established the practice of the *ṣalāh* for each (IH+Muslim) to be killed in captivity (40).

(IH: God answered [the prayer of] ʿĀṣim ibn Thābit on the day he was killed.) (IH+M: The prophet Muḥammad informed his companions regarding their matter on the day they were killed.) (41) People of Quraysh (Y: polytheists) sent [messengers] to ʿĀṣim (IH+M: when they were told that he was killed) to retrieve something (Y: of his body) (IH+M: by which they could

recognize him) (42), because ʿĀṣim had killed one of their nobles (IH: at Badr) (43). God sent a cloud-like swarm of bees (IH+M: to ʿĀṣim) that protected him from their messengers (44). They were not able to cut anything from him (Y: his body) (45).

We will now include the shorter versions into the analysis. The *isnād*-schedule including the transmission lines from these traditions is as follows:



We will start with the four traditions from Mūsā ibn Ismāʿīl. They derive according to the information from the *asānīd* from a different student of Mūsā than the detailed versions, Abū Dāwūd al-Sijistānī (d. 275/888) instead of al-Bukhārī. A medium-length tradition (M1) and one short tradition (S1) are from the *Sunan* of Abū Dāwūd al-Sijistānī.[68] The other short story and the tradition with only an *isnād* are from the *Sunan* of al-Bayhaqī.[69]

The medium-length tradition (M1) is an abstract of the detailed version. Many parts are missing. The tradition relates how Muḥammad sent a scouting expedition of ten men, appointing ʿĀṣim ibn Thābit as their leader (element 1). Hudhayl followed them with almost 100 archers (element 3). When ʿĀṣim discovered them, they took refuge at elevated ground (element 7). The clan promised not to kill anybody, if they descended and surrendered themselves (element 9). ʿĀṣim said that he would not come down on the basis of safety promised by an unbeliever (element 10). They shot arrows at them and killed ʿĀṣim and six others (element 12). Three persons surrendered to them on the safeguard, among whom were Khubayb, Zayd ibn al-Dathinna and another man (element 15). When the clan seized them, they untied the strings of their bows and tied them with them (element 16). The third man said that that was the first sign of treachery and refused to follow them (element 18). He said that he has an example in them [his killed companions] (element 19). They dragged him along but he refused to follow them (element 20). They killed him (element 21). Khubayb stayed prisoner until they gathered to kill him (element 24). He borrowed a razor to shave [his pubic hair] (element 25). When they left with him to kill him, Khubayb asked them to allow him to perform a short prayer consisting of two cycles (element 33). He said that he would have performed more if they had not thought that he was scared (element 35).

It is interesting to see that any reference to the sons of al-Ḥārith, who bought Khubayb from the Hudhayl, is missing. It looks from the

68 Abū Dāwūd, *Sunan*, III, 51 (no. 2660) (*Kitāb al-jihād – Bāb fī al-rajul yastaʾsiru*) and 189 (no. 3112) (*Kitāb al-janāʾiz – Bāb al-marīḍ yuʾkhadhu min aẓfārihi wa-ʿānatihi*). The *Sunan* has been handed down via the *riwāya* al-Khaṭīb al-Baghdādī → Abū ʿAmr al-Qāsim ibn Jaʿfar ibn ʿAbd al-Wāḥid al-Hāshimī → Abū ʿAlī Muḥammad ibn Aḥmad ibn ʿAmr al-Luʾluʾī → Abū Dāwūd al-Sijistānī. See Abū Dāwūd, *Sunan*, I, 17.

69 Al-Bayhaqī, *Sunan*, III, 390 (*Kitāb al-janāʾiz – Bāb al-marīḍ yuʾkhadhu min aẓfārihi wa-ʿānatihi*) and *Sunan*, IX, 146 (*Kitāb al-siyar – Jummāʿ abwāb al-siyar – Bāb ṣalāt al-asīr idhā qudima li-yuqtala*).

content of this abstract as if the Hudhayl killed Khubayb. The shortening of the text can be attributed to Abū Dāwūd al-Sijistānī, since he places this tradition in the chapter on the man who surrenders. It is understandable that he shortened the tradition to include only those parts of the tradition that are important for this specific topic, i.e. the imprisonment of Khubayb and what happened to him in custody. Maybe Abū Dāwūd left out the references to the sons of al-Ḥārith in the related sentences on purpose; otherwise, he would have to explain how the sons of al-Ḥārith obtained Khubayb and why they bought him. This would consequently have lengthened the text. The other tradition (S1) in the *Sunan*, which relates why the sons of al-Ḥārith bought Khubayb and what they did to him (elements 23 (partly) until 29), shows that Abū Dāwūd al-Sijistānī was familiar with the role of al-Ḥārith's sons.

The two traditions (M1+S1) of Abū Dāwūd al-Sijistānī contain the following formulations that are peculiar for the version of Mūsā ibn Ismāʿīl: the *nasab* Ibn Shihāb instead of the *nisba* al-Zuhrī (M1+S1) (l1), the omission of the words *rahṭ* (M1) (l3), *li-l-qatl* (M1+S1) (l14) and *iyyāhā/-hu* (S1) (l14), the omission of the *nasab* Ibn Abī al-Aqlaḥ (M1) (l4), the *nisba* al-Anṣārī (M1) (l9) and the *nasab* Ibn ʿAbd Manāf (S1) (l12–13), *wa-hiya* instead of *wa-anā* (S1) (l14), *an* instead of *annanī* (S1) (l15) and the addition of *dhālika* (S1) (l16). These peculiarities, which the two traditions from Abū Dāwūd have in common with the version of al-Bukhārī indicate that they also derive from Mūsā ibn Ismāʿīl.

There are however, also differences with the version of al-Bukhārī from Mūsā ibn Ismāʿīl, for example the *nasab* Ibn Saʿd after the name Ibrāhīm (M1+S1), the omission of the *nasab* Ibn Asīd in the name of the informant of Ibn Shihāb al-Zuhrī (M1+S1), *qardad* instead of *mawḍiʿ* (M1), the omission of *ayyuhā al-qawm* (M1), the addition of the words *fī sabʿa* (M1), *makhliyyan wa-huwa* instead of *mujlisahu* (S1) and *li-yaqtulūhu* instead of *min al-Ḥaram li-yaqtulūhu fī al-ḥill* (M1). The differences with al-Bukhārī's detailed traditions that appear in both traditions from Abū Dāwūd al-Sijistānī are peculiarities of the transmission of Abū Dāwūd al-Sijistānī from Mūsā ibn Ismāʿīl and proof of an independent transmission from al-Bukhārī.

The remark in the last paragraph on p. 326 concerning the possible errors that al-Bukhārī made has to be adjusted. Comparison of the al-Bukhārī's version with the two traditions of Abū Dāwūd al-Sijistānī shows that the omission of the word *rahṭ* is not a mistake made by

al-Bukhārī, but a peculiarity of Mūsā ibn Ismāʿīl's transmission. The reverse is the case in the omission of *fī sabʿa* in the sentence *fa-qatalū ʿĀṣiman fī sabʿa*. This is an error from al-Bukhārī, because the medium-length tradition of Abū Dāwūd mentions the complete sentence.

Short tradition S2 of al-Bayhaqī that another student of Abū Dāwūd al-Sijistānī, Abū Bakr Muḥammad ibn Dāsah, transmitted is almost identical to the short story in the *Sunan* of Abū Dāwūd (S1), except for six small differences. Since we have two students of Abū Dāwūd al-Sijistānī who both transmit this specific section dealing with Khubayb, either Abū Dāwūd al-Sijistānī spread this part of the story about the raid of the Hudhayl separately on purpose or the information in one of the *asānīd* is incorrect. It is difficult to determine on the basis of some small differences within a very short text whether the (upper part of the) *isnād* of one of the traditions is falsified or not. There seems to have been no reason, however, for al-Bayhaqī to mention that he received the tradition via the *riwāya* of Abū Bakr ibn Dāsah while in fact he got it via the *riwāya* of Abū ʿAlī Muḥammad ibn Aḥmad, i.e. the *riwāya* by which the *Sunan* of Abū Dāwūd al-Ṭayālisī are handed down.

Tradition S2 of al-Bayhaqī is especially interesting, because it helps us to identify five other peculiarities of the transmission of Abū Dāwūd al-Sijistānī: *min ibnat al-Ḥārith* instead of *min baʿḍ banāt al-Ḥārith* (l14), *ḥattā atathu* instead of *ḥattā atāhu* (l15), *makhliyyan wa-huwa* instead of *mujlisahu* (l15) and the omission of the words *qālat* (l15) and *Khubayb* (l15).

Al-Bayhaqī placed the second tradition from Mūsā ibn Ismāʿīl, which he received via the same *riwāya* as tradition S2, after the detailed version (L2) on the raid of the Hudhayl from Yūnus ibn Ḥabīb → Abū Dāwūd al-Ṭayālisī. After the *isnād* al-Bayhaqī mentions that he [Abū ʿAlī al-Rūdhabārī] summarized it with its [= the same] meaning without the poetry and without the story of ʿĀṣim at the end.[70] Al-Bayhaqī proceeds with a reference to the complete detailed version of Mūsā ibn Ismāʿīl in the *Ṣaḥīḥ* of al-Bukhārī. It is possible that al-Bayhaqī means the medium-length tradition (M1) of Abū Dāwūd al-Sijistānī with the words 'he summarized it with the same meaning'. However, there may once have existed an even larger tradition of Abū Dāwūd al-Sijistānī,

[70] *Fa-dhakarahu bi-maʿnāhu mukhtaṣaran dūna al-shiʿr wa-dūna qiṣṣat ʿĀṣim fī ākhirihi*. Al-Bayhaqī, *Sunan*, IX, 146.

because our medium-length version M1 does not mention the sons of al-Ḥārith (which the short tradition of Abū Dāwūd al-Sijistānī does). Unfortunately, without the *matn* this will remain just speculation.

Finally, the comparison of the shorter traditions shows that the use of the name ʿAmr ibn Asīd ibn Jāriya al-Thaqafī cannot be marked anymore as a peculiarity of Mūsā's version,[71] because both short traditions (S1 and S2) of Mūsā mention the name ʿUmar ibn Jāriya al-Thaqafī. Even among Mūsā's students (or perhaps even among later transmitters) there is confusion on the name ʿAmr or ʿUmar; a mistake that can also easily derive from a copyist error.

The next two traditions are both from al-Ṭabarānī and derive from a combined transmission of Ibrāhīm ibn Saʿd and Maʿmar, another student of al-Zuhrī. Tradition S11 is from al-Ṭabarānī's *al-Muʿjam al-kabīr* and tradition S8 is from the late collection of al-Mizzī, *Tahdhīb al-kamāl*.[72] The traditions, which only contain element 1, are identical except for the remark of a later transmitter at the end of the tradition, *wa-dhakara al-ḥadīth* (S8) instead of *wa-dhakarahu bi-ṭūlihi* (S11). Al-Ṭabarānī indicates that he received the same tradition via two different ways by mentioning a double *isnād*: Isḥāq ibn Ibrāhīm al-Dabarī → ʿAbd al-Razzāq → Maʿmar → al-Zuhrī **and** Muṣʿab ibn Ibrāhīm ibn Ḥamza al-Zubayrī → his father → Ibrāhīm ibn Saʿd → al-Zuhrī. The *isnād* continues with ʿUmar ibn Asīd ibn Jāriya al-Thaqafī → Abū Hurayra.

Al-Ṭabarānī's tradition contains the additional information in the *isnād* on al-Zuhrī's informant. So far, all traditions from Ibrāhīm ibn Saʿd mention that ʿUmar or ʿAmr was a confederate of the Banū Zuhra and only traditions M1 and I2 from Abū Dāwūd al-Sijistānī from Mūsā ibn Ismāʿīl lack the information that ʿUmar or ʿAmr was a companion of Abū Hurayra. The *matn* does not contain any peculiarity. It seems more like a combination of formulations from the versions of Ibrāhīm we studied so far.

Traditions S11 and S8 correspond twice to tradition L14 of the *Musnad* of Abū Dāwūd al-Ṭayālisī by using the word *al-nabī* instead of *rasūl Allāh* (l3) and omitting the *nasab* Ibn al-Khaṭṭāb after *jadd ʿĀṣim ibn ʿUmar* (l4). They contain the formulation *ʿasharat rahṭ ʿaynan*

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[71] See p. 326.

[72] Al-Ṭabarānī, *al-Muʿjam al-kabīr*, XVII, 175 (no. 463) (ʿĀṣim ibn Thābit ibn Abī al-Aflaḥ). Al-Mizzī, *Tahdhīb*, V, 418 (no. 4963) (ʿAmr ibn Abī Sufyān ibn Asīd ibn Jāriya al-Thaqafī).

(l3), which is identical to the version of Abū Dāwūd al-Ṭayālisī (in the *riwāya* of Ibn Ḥanbal as well as Yūnus ibn Ḥabīb), since the versions of Mūsā ibn Ismāʿīl lack the word *rahṭ*. However, the omission of the *nasab* Ibn Abī al-Aqlaḥ (l4) corresponds to the traditions of Mūsā ibn Ismāʿīl (in the *riwāya* of al-Bukhārī as well as Abū Dāwūd al-Ṭayālisī). Finally, the *nisba al-Anṣārī* after the name of *ʿĀṣim* (l4) is only present in the traditions of Mūsā ibn Ismāʿīl in the *riwāya* of al-Bukhārī and tradition L6 of Ibn al-Athīr.

It is not possible to substantiate the information from the *isnād* that the traditions S11 and S8 derive from another student of Ibrāhīm ibn Saʿd, Ibrāhīm ibn Ḥamza al-Zubayrī, since the *matn* is too short and does not show any peculiarities. However, the mixture of formulations from Abū Dāwūd al-Ṭayālisī and Mūsā ibn Ismāʿīl in the small part of the *matn* that we have suggests that the source information from al-Ṭabarānī might possibly be correct. Furthermore, the lower part of the *isnād* could be from Ibrāhīm ibn Saʿd. Comparison with other Maʿmar-traditions will show that the additional information on ʿAmr/ʿUmar ibn Asīd in the *isnād* and certain formulations in the *matn* are not present in other traditions from Maʿmar and that al-Ṭabarānī's tradition is very probably from Ibrāhīm ibn Saʿd.

The last short tradition attributed to Ibrāhīm ibn Saʿd is from *al-Muʿjam al-kabīr* of al-Ṭabarānī with the *isnād* Muḥammad ibn ʿAbd Allāh al-Ḥaḍramī → Manṣūr ibn Abī Muzāḥim → Ibrāhīm ibn Saʿd → al-Zuhrī → ʿUmar ibn Asīd ibn Jāriya al-Thaqafī → Abī Hurayra.[73] Al-Ṭabarānī placed it after a detailed tradition about raid of the Hudhayl from ʿAbd al-Razzāq → Maʿmar. The short tradition starts with the sentence that the prophet Muḥammad sent a scouting party of ten (*baʿatha al-nabī ʿasharat rahṭ ʿaynan*), which is identical to the beginning of traditions S11 and S8 discussed above. The next part is different from any other tradition from Ibrāhīm ibn Saʿd: among whom were Khubayb ibn ʿAdī wa-Zayd ibn Dathinna (*minhum Khubayb ibn ʿAdī wa-Zayd ibn Dathinna*). So far, we came across the *nasab* Ibn ʿAdī only in the version of ʿAbd Allāh ibn Jaʿfar → Yūnus ibn Ḥabīb → Abū Dāwūd al-Ṭayālisī.[74] Al-Ṭabarānī says that the story continues similar to the tradition of Maʿmar (*thumma dhakara naḥwa ḥadīth Maʿmar*), which means that al-Ṭabarānī probably had a detailed

[73] Al-Ṭabarānī, *al-Muʿjam al-kabīr*, IV, 223 (no. 4192) (Khubayb ibn ʿAdī al-Anṣārī).
[74] See p. 325.

version of the tradition from Manṣūr ibn Abī Muzāḥim, but decided not to mention it completely.

The sentence *minhum Khubayb ibn ʿAdī wa-Zayd ibn Dathinna*, that none of the other traditions from Ibrāhīm ibn Saʿd has, might indicate that this is indeed a tradition from another student of Ibrāhīm ibn Saʿd. However, the tradition is too short to reach a conclusion.

There is still one tradition left to discuss. This is the detailed tradition L11 from Ibn Saʿd.[75] He gives two different *asānīd* at the beginning of the tradition: ʿAbd Allāh ibn Idrīs al-Awdī → Muḥammad ibn Isḥāq → ʿĀṣim ibn ʿUmar ibn Qatāda ibn al-Nuʿmān al-Ẓafarī **and** Maʿn ibn ʿĪsā al-Ashjaʿī → Ibrāhīm ibn Saʿd → Ibn Shihāb → ʿUmar ibn Asīd ibn al-ʿAlāʾ ibn Jāriya. Although Ibn Saʿd says that he heard a version of Ibrāhīm ibn Saʿd via his student Maʿn ibn ʿĪsā, the content and the formulation of the tradition differs very much from the other detailed versions of Ibrāhīm ibn Saʿd. The *matn* Ibn Saʿd gives is probably the *matn* of ʿAbd Allāh ibn Idrīs from Ibn Isḥāq. After the comparison of the versions of the four students of al-Zuhrī, we will return to the tradition of Ibn Saʿd and compare it with other versions of Ibn Isḥāq. We will then be able to establish whether the *matn* of the tradition of Ibn Saʿd is indeed from ʿAbd Allāh ibn Idrīs or is a mixture with the version of Maʿn ibn ʿĪsā from Ibrāhīm ibn Saʿd.

The analysis of the traditions ascribed to Ibrāhīm ibn Saʿd showed that he transmitted a detailed version to two students, Abū Dāwūd al-Ṭayālisī and Mūsā ibn Ismāʿīl by means of writing or dictation from a written text. The reason for the deviating version of one student of Abū Dāwūd al-Ṭayālisī, Yūnus ibn Ḥabīb, might be the difference in time when Abū Dāwūd al-Ṭayālisī told the tradition to Yūnus or a different form of transmission, orally instead of by writing. There is some evidence that a third student of Ibrāhīm ibn Saʿd, Manṣūr ibn Abī Muzāḥim possibly knew the detailed version on the raid of the Hudhayl, but only one sentence is preserved. There is an indication that another student, Ibrāhīm ibn Ḥamza, knew at least a small part of the tradition, but the evidence is too small to draw any conclusion on. The names of two other students of Ibrāhīm ibn Saʿd, his son Yaʿqūb ibn Ibrāhīm and Maʿn ibn ʿĪsā, appear in the *isnād* of traditions about the raid of the Hudhayl, but there is no accompanying *matn* to provide evidence for their transmission. Anyway, Ibrāhīm ibn Saʿd must

[75] Ibn Saʿd, *al-Ṭabaqāt*, II, 55–56 (*Sariyyat* Marthad ibn Abī Marthad).

have spread his tradition(s) on the raid of the Hudhayl before he died in 183/799.

Before we continue with the analysis of the traditions ascribed to Maʿmar, I would like to return to the issue of the name of al-Zuhrī's informant. The analysis of the *asānīd* of the traditions from Ibrāhīm ibn Saʿd revealed seven variants of the name of the informant.[76] Since we have established that all traditions derive indeed from Ibrāhīm ibn Saʿd – except the traditions from Ibrāhīm ibn Ḥamza (S11+S8), Manṣūr ibn Abī Muzāḥim (S10) and Maʿn ibn ʿĪsā (L11) for which we have no proof – we will now try to answer the question if Ibrāhīm ibn Saʿd is responsible for the variants.

The name ʿUmar ibn Asīd ibn Jāriya al-Thaqafī appears in the traditions of Abū Dāwūd al-Ṭayālisī in the *riwāya* of Ibn Ḥanbal (L7+L6) and in the traditions of Ibrāhīm ibn Ḥamza (S11+S8) and Manṣūr ibn Abī Muzāḥim (S10). The name ʿUmar and ʿUmayr ibn Asīd ibn Jāriya is from Abū Dāwūd al-Ṭayālisī in the *riwāya* of Yūnus ibn Ḥabīb. If we ignore for one moment the name ʿUmayr, the only difference between these two variants is the *nisba* al-Thaqafī. The name ʿAmr ibn Asīd ibn Jāriya al-Thaqafī is from Mūsā ibn Ismāʿīl in the *riwāya* of al-Bukhārī, which resembles the first variant of Ibn Ḥanbal from Abū Dāwūd al-Ṭayālisī. The name ʿAmr and ʿUmar ibn Jāriya al-Thaqafī is from Mūsā ibn Ismāʿīl in the *riwāya* of Abū Dāwūd al-Sijistānī. The omission of the *nasab* Ibn Asīd is a peculiarity of the transmission of Abū Dāwūd al-Sijistānī from Mūsā ibn Ismāʿīl. Since all other traditions from Ibrāhīm ibn Saʿd have the *nasab* Ibn al-Asīd, Abū Dāwūd al-Sijistānī is responsible for the omission. Furthermore, since only one of the four traditions from Mūsā ibn Ismāʿīl in the *riwāya* of Abū Dāwūd al-Ṭayālisī has ʿAmr instead of ʿUmar, it is probably a transmission error. Since al-Bukhārī in his transmission from Mūsā ibn Ismāʿīl is actually the only person who calls the informant of al-Zuhrī ʿAmr, the name that Ibrāhīm ibn Saʿd most likely mentioned to his students is ʿUmar ibn Asīd ibn Jāriya al-Thaqafī. Consequently, the variant ʿUmayr in tradition L14 in the *Musnad* of Abū Dāwūd al-Ṭayālisī is certainly a mistake, since only one tradition mentions it.

The seventh variant that is present in the combined tradition L11 from Maʿn ibn ʿĪsā and ʿĀṣim ibn ʿUmar ibn Qatāda is ʿUmar ibn Asīd ibn al-ʿAlāʾ ibn Jāriya. The omission of the *nisba* al-Thaqafī and

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[76] See the paragraph on Ibrāhīm ibn Saʿd on p. 310.

especially the addition of the *nasab* Ibn al-ʿAlā are inconsistent with the transmission from Ibrāhīm ibn Saʿd.

Maʿmar ibn Rāshid

The *Muṣannaf* of ʿAbd al-Razzāq is the earliest collection that contains a detailed version, which will be the main text for the comparison.[77]

1 عبد الرزاق عن معمرعن الزهري عن عمرو بن أبي سفيان الثقفي عن أبي هريرة قال: بعث رسول الله
2 صلعم سرية عينا له وأمرعليهم عاصم بن ثابت وهو جد عاصم بن عمر فانطلقوا حتى إذا كانوا ببعض
3 الطريق بين عسفان ومكة نزولا (فـ)ذكروا[78] لحي من هذيل 4 يقال لهم بنو لحيان فتبعوهم بقريب من مائة
4 رجل رام حتى رأوا آثارهم حتى نزلوا منزلا يرونه[79] فوجدوا فيه نوى تمر يرونه من تمر المدينة فقالوا:
5 هذا من تمر يثرب فاتبعوا آثارهم حتى لحقوهم فلما أحسهم عاصم بن ثابت وأصحابه لجأوا الى فدفد وجاء
6 القوم فأحاطوا بهم فقالوا: لكم العهد والميثاق إن نزلتم الينا لا نقتل منكم رجلا فقال عاصم بن ثابت: أما أنا
7 فلا أنزل في ذمة كافر اللهم أخبر عنا رسولك قال: فقاتلوهم حتى قتلوا عاصما في سبعة نفر وبقي خبيب بن
8 عدي وزيد بن دثنة ورجل آخر فأعطوهم العهد والميثاق إن نزلوا اليهم فنزلوا اليهم فلما استمكنوا منهم
9 حلوا أوتار قسيهم فربطوهم بها فقال الرجل الثالث الذي كان معهما: هذا اول الغدر فأبى أن يصحبهم
10 فجروه فأبى أن يتبعهم وقال: لي في هؤلاء أسوة فضربوا عنقه وانطلقوا بخبيب بن عدي وزبد بن دثنة
11 حتى باعوهما بمكة فاشترى خبيبا بنو الحارث بن عامر بن نوفل وكان قتل الحارث يوم بدر فمكث عندهم
12 أسيرا حتى أجمعوا على قتله استعار موسى [من] إحدى بنات الحارث ليستحد بها فأعارته قالت: فغفلت
13 عن صبي لي فدرج إليه حتى أتاه قالت: فأخذه فوضعه على فخذه فلما رأيته فزعت فزعا عرفه في
14 والموسى بيده قال: أتخشين أن اقتله؟ ما كنت لأن أفعل إن شاء الله قال: فكانت تقول: ما رأيت أسيرا خيرا
15 من خبيب لقد رأيته يأكل من قطف عنب وما بمكة يومئذ ثمرة وإنه لموثق في الحديد وما كان إلا رزق
16 رزقه الله أياه ثم خرجوا به من الحرم ليقتلوه فقال: دعوني أصلي[80] ركعتين فصلى ركعتين ثم قال: لولا

[77] ʿAbd al-Razzāq, *Muṣannaf*, V, Beirut 1983, 353–355 (no. 9730) (*Kitāb al-maghāzī*). All line numbers in this paragraph refer to the lines mentioned below in the Arabic text.

[78] Five of the seven detailed traditions do not mention the conjunction *fa-*.

[79] Five of the seven detailed traditions mention *nazalūhu* instead of *yarawnahu*.

[80] The editor changed this word incorrectly from *uṣallī* into *uṣalli*. See ʿAbd al-Razzāq, *Muṣannaf*, V, 355, footnote 1. All other traditions from ʿAbd al-Razzāq and Maʿmar have *uṣallī*, so the formulation in the manuscript is correct.

أن ترون[81] أن ما بي جزع من الموت لزدت فكان أول من سن الركعتين عند القتل هو ثم قال: اللهم أحصهم عددا [ثم] قال: ولست أبالي حين أقتل مسلما على اي شق كان لله مصرعي وذلك في ذات الإله وإن يشأ يبارك على أوصال شلو ممزع ثم قام إليه عقبة بن الحارث فقتله قال: وبعثت[82] قريش إلى عاصم ليؤتوا بشيء من جسده يعرفونه وكان قتل عظيما من عظمائهم فبعث الله مثل الظلة من الدبر فحمته من رسلهم فلم يقدروا على شيء منه.

ʿAbd al-Razzāq on the authority of Maʿmar on the authority of al-Zuhrī on the authority of ʿAmr ibn Abī Sufyān al-Thaqafī on the authority of Abū Hurayra who said:

The messenger of God sent out a scouting expedition, appointing ʿĀṣim ibn Thābit, the grandfather of ʿĀṣim ibn ʿUmar, as their leader (1). They went away until – when they were somewhere between ʿUsfān and Mecca – they were mentioned to a clan of Hudhayl, called the Banū Liḥyān (2). They followed them with about 100 archers (3), until they saw their tracks when they stopped at a campsite, which they saw (4). They found at that site date pits, which they identified as coming from the dates of Medina. They said, "These are from the dates of Yathrib." (5) They followed their tracks until they found them (6).

When ʿĀṣim and his companions discovered them, they fled to an elevated place in the desert (7), while the clan came and surrounded them (8). They said, "You have the pledge and the promise that if you come down to us we will not kill anyone of you." (9) ʿĀṣim ibn Thābit said, "As for me, I will not come down on the basis of safety promised by an unbeliever (10). O God, inform Your prophet about us!" (11)

He said: They fought with them until they killed ʿĀṣim and six other people (12), leaving Khubayb ibn ʿAdī, Zayd ibn Dathinna and another man (13). They gave them the pledge and promise if they would surrender to them (14). They [= the three men] surrendered to them (15). When they [= the clan] seized them, they untied the strings of their bows and tied them with them (16). The third man who was with them [i.e. Khubayb and Zayd], said, "This is the first sign of treachery." He refused to accompany them (18). They dragged him along, but he refused to follow them (20), saying, "I have in those ones [his killed companions] an example!" (19). They struck his neck, [killing him] (21), taking Khubayb

[81] Although the editor changed this grammatically correct into *taraw anna*, the form *tarawna anna* is a peculiarity of the transmission of Isḥāq ibn Ibrāhīm al-Dabarī from ʿAbd al-Razzāq. ʿAbd al-Razzāq, *Muṣannaf*, V, 355, footnote 2. I discuss the *riwāya* of the *Muṣannaf* below on p. 342.

[82] The word in the *Muṣannaf* is *baʿatha*. Eight of the ten traditions from Maʿmar which mention this word agree on *baʿathat*, while the remaining two traditions have *baʿatha*.

ibn ʿAdī and Zayd ibn Dathinna [with them] and eventually, they sold them in Mecca (22).

The sons of al-Ḥārith ibn ʿĀmir ibn Nawfal bought Khubayb, because he had killed al-Ḥārith on the day of Badr (23). He stayed with them as a prisoner until they decided to kill him (24). He borrowed a razor from[83] one of the daughters of al-Ḥārith to shave [his pubic hair] and she loaned him one (25). She said, "I did not pay attention to a little boy of mine and he walked slowly towards him until he reached him." (26). She said, "He [Khubayb] took him and placed him on his thigh (27). When I saw him I got terrified, which he noticed in me with the razor in his hand." (28) He said, "Are you afraid that I shall kill him? I would never do [such a thing], God willing." (29)

He said: She used to say, "I did not see a better prisoner than Khubayb (30). I saw him eating from a bunch of grapes, while there was no fruit in Mecca at that time and while he was still in irons (31). It was certainly food that God gave to him." (32)

Then they went with him out of the sacred territory to kill him. He said, "Allow me to pray a short prayer consisting of two cycles." (33) He prayed a short prayer consisting of two cycles (34). Then he said, "If you would not think that I was afraid of death I would have performed more." (35) It was he who established the practice of [praying] a short prayer consisting of two cycles before an execution (40). Then he said, "O God, register them by number." (36). Then he said, "Being killed as a Muslim, I do not care how my death comes, since it is in God's cause (37). For that is God's prerogative; and if He wishes He will give His blessing to severed limbs." (38) Then ʿUqba ibn al-Ḥārith came to him and killed him (39).

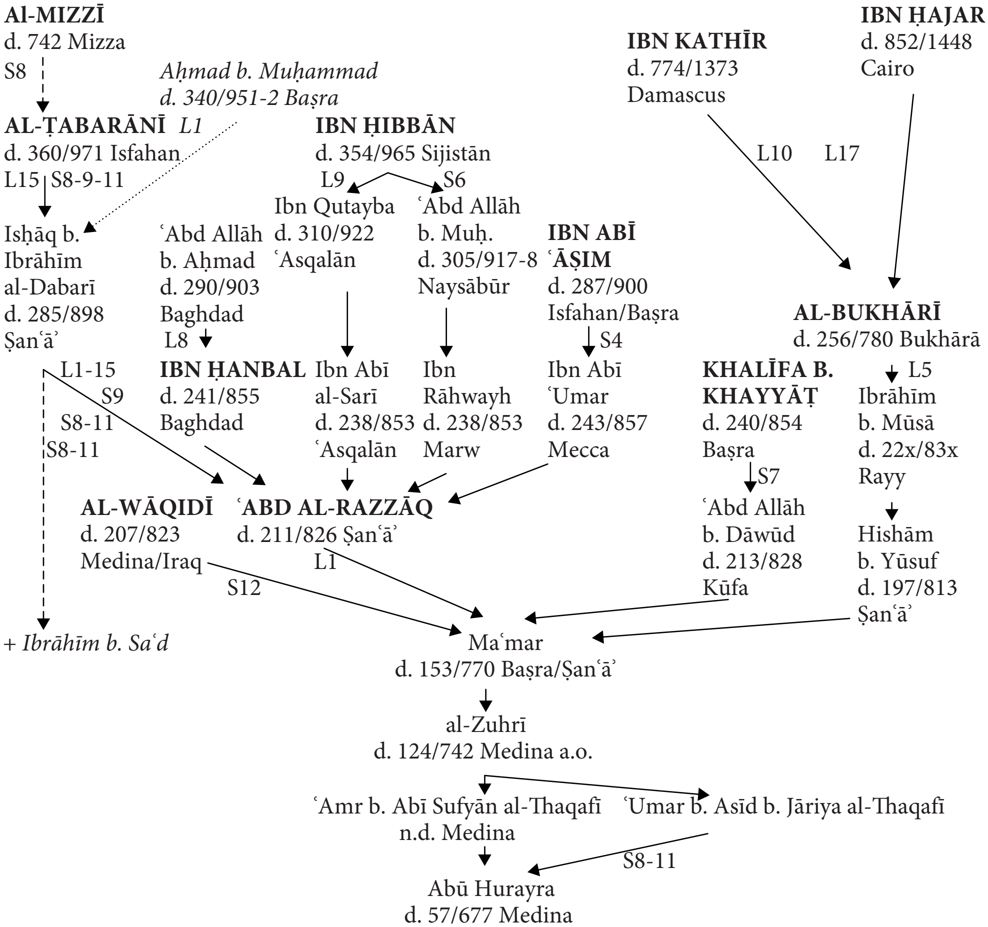
He said: Quraysh sent [messengers] out for ʿĀṣim to bring something from his body by which they could recognize him (42), because he had killed one of their nobles (43). God sent a cloud-like swarm of bees. It protected him from their messengers (44) and they could not [get] anything from him (45).

The *isnād*-schedule of the traditions from Maʿmar is as follows:

We will start with the comparison of the detailed traditions. The first two traditions that will be compared are the versions L1 of the *Muṣannaf* of ʿAbd al-Razzāq and L15 of al-Ṭabarānī.[84] The differences between the two versions are very small and consist mainly of transmission or copyist errors. Some of the larger differences in the text of

[83] Literally: the razor of one, because the word *min* is missing in the manuscript.

[84] Al-Ṭabarānī, *al-Muʿjam al-kabīr*, IV, 221–223 (no. 4191) (405 Khubayb ibn ʿAdī al-Anṣārī).



al-Ṭabarānī are *fa-qtaṣṣū**[85] instead of *ḥattā ra'aw* (l4), *tazawwadūhu* instead of *yarawnahu* (l5), *fa-aʿārathu li-yastaḥidda bihā* instead of *li-yastaḥidda bihā fa-aʿārathu**, *fī yadihi** instead of *bi-yadihi* (l16) and the addition of the words *fa-ramawhum* (l8), *idhā** (l14), *min** (l14) and *yawm Badr** (l23). The omission of the sentence *wa-rajul ākhar […] wa-nṭalaqū bi-Khubayb ibn ʿAdī wa-Zayd ibn Dathinna* (l9–12) is probably a transcription error, because the last words in the text of al-Ṭabarānī (*Khubayb ibn ʿAdī wa-Zayd ibn Dathinna*) are the same as the last words of the missing part.

85 The other traditions from Maʿmar agree on the word(s) marked with an asterisk.

The high degree of similarity between the two texts indicates that they must derive from a common source. Based on the information from the *isnād*-schedule on p. 341 it would seem as if ʿAbd al-Razzāq is this common source. However, the text of the *Kitāb al-maghāzī* in the *Muṣannaf* is from the manuscript of Murād Mullā (dated 747/1346–7) and comes from the *riwāya* Abū Saʿīd Aḥmad ibn Muḥammad ibn Ziyād ibn Bishr al-Aʿrābī al-Baṣrī → Abū Yaʿqūb Isḥāq ibn Ibrāhīm al-Dabarī → ʿAbd al-Razzāq.[86] The common source is therefore Isḥāq ibn Ibrāhīm al-Dabarī. The traditions are so much alike that al-Dabarī must have transmitted the traditions by writing or dictating from a written text.

The traditions from Ibn Ḥanbal (L8) and Ibn Ḥibbān (L9) that are attributed to ʿAbd al-Razzāq look very much like the version from al-Dabarī.[87] The analysis of the *mutūn* shows that tradition L9 of Ibn Ḥibbān differs more from the other three versions than Ibn Ḥanbal's tradition L8. The majority of the *matn* of Ibn Ḥibbān's tradition is however similar to the versions of Isḥāq ibn Ibrāhīm al-Dabarī and Ibn Ḥanbal. The conclusion of the comparison of the *mutūn* of the four traditions is that they derive from a common source. This common source is ʿAbd al-Razzāq according to the information from the *asānīd*.

The question that remains to be answered is whether the traditions from Ibn Ḥanbal and Ibn Ḥibbān are independent transmissions. The question can be answered positively for certain for the tradition of Ibn Ḥibbān, since it contains many peculiarities like the omission of the sentence *wa-huwa jadd ʿĀṣim ibn ʿUmar* (l2), *tamr ahl Yathrib* instead of *tamr Yathrib* (l5), *dhimmat qawm kāfirīna* instead of *dhimmat kāfir* (l8), the omission of *fa-daraja ilayhi* (l15), the different position of the sentence *wa-l-mūsā fī yadihi* (l15 instead of l16), *shadīdan* instead of *ʿarafahu* (l16), *khashīti* instead of *atakhshayna* (l16), the omission of the sentences *Allāhuma aḥṣihim ʿadadan* (l20) and *wa-dhālika fī dhāt al-ilāh wa-in yashaʾ yubārik ʿalā awṣāl shilw mumazziʿ* (l21) and *ilā mawḍiʿ ʿĀṣim* instead of *ilā ʿĀṣim*.

[86] H. Motzki, 'The Author and His Work in the Islamic Literature of the First Centuries: The Case of ʿAbd al-Razzāq's *Muṣannaf*', in *Jerusalem Studies in Arabic and Islam* 28 (2003), 177–178.

[87] Ibn Ḥanbal, *Musnad*, II, 415 (no. 8116) (*Musnad* Abī Hurayra). Ibn Ḥibbān, *Ṣaḥīḥ Ibn Ḥibbān bi-tartīb Ibn Balbān*, XV, Beirut 1418/1997, 512–514 (*Dhikr* Khubayb ibn ʿAdī).

The tradition of Ibn Ḥanbal contains only two peculiarities, i.e. words that no other tradition from Maʿmar mentions, *fa-qatalū* instead of *ḥattā qatalū* (l8) and *mā* instead of *wa-lastu* (l21). Two peculiarities do not prove its independence from the traditions of Isḥāq ibn Ibrāhīm al-Dabarī. However, the latter has a number of formulations that are not present in the tradition of Ibn Ḥanbal. In fact, they are not present in any other tradition from Maʿmar besides the two traditions from Isḥāq ibn Ibrāhīm al-Dabarī. These peculiarities are *sariyya ʿaynan lahu* (l2) instead of *sariyya ʿaynan*, *Zayd ibn Dathinna* (l9 and l12) instead of *Zayd ibn al-Dathinna*, the omission of the word *huwa* (l13)[88] and the addition of *fiyya* (l16). Since Ibn Ḥanbal's text does not contain these peculiarities, it is an independent transmission from al-Dabarī's tradition.

The information from the *asānīd* confirms the conclusion that the traditions from Ibn Ḥanbal and Ibn Ḥibbān are independent transmissions. Two different students of ʿAbd al-Razzāq are mentioned in the *asānīd*, Ibn Ḥanbal and Ibn Abī al-Sarī.

The remaining three detailed traditions are from al-Bukhārī. One is from his *Ṣaḥīḥ* (L5) and the other two are found in the late collections of Ibn Kathīr (L10) and Ibn Ḥajar (L17).[89] The three texts are nearly identical. The most significant differences between them are the omission of *fa-ramawhum* (L10+L17) (l8) and *yawmaʾidh* (L4) (l17), the addition of *min* (L10) (l18), *wa-qāla* (L5) instead of *thumma qāla* (l20), the addition of *wa-qtulhum badadan* (L10) (l20), *mā an* (L17) instead of *wa-lastu* (l21), *fī Allāhi* (L10) instead of *li-llāhi* (l21), the addition of the name ʿĀṣim (L10+L17) (l23) and the omission of the word *ʿalayhi* (L10) (l23).

Comparison of the traditions from al-Bukhārī with the different versions of ʿAbd al-Razzāq shows that the version of al-Bukhārī deviates

[88] It seems that the editor of the *Muṣannaf* incorrectly added this word, since the other traditions from Isḥāq ibn Ibrāhīm al-Dabarī (L15 al-Ṭabarānī) do not mention it either. Tradition L9 does not mention *huwa* either, but this is because the subject of the verb *kāna* is al-Ḥārith instead of Khubayb (*wa-kāna al-Ḥārith qutila yawm Badr*).

[89] Al-Bukhārī, *Ṣaḥīḥ*, III, 89–90 (*Kitāb al-maghāzī – Bāb ghazwat al-Rajīʿ wa-Dhakwān wa-Biʾr Maʿūna wa-ḥadīth ʿaḍl wa-l-qāra wa-ʿĀṣim ibn Thābit wa-Khubayb wa-aṣḥābihi*). Ibn Kathīr, *al-Bidāya*, IV, 62–63 (*Ghazwat al-Rajīʿ*). Ibn Ḥajar, *Fatḥ*, VII, 481–482 (no. 4086) (*Kitāb al-maghāzī – 29 Bāb ghazwat al-Rajīʿ wa-Dhakwān wa-Biʾr Maʿūna wa-ḥadīth ʿaḍl wa-l-qāra wa-ʿĀṣim ibn Thābit wa-Khubayb wa-aṣḥābihi*).

much more and more significantly from the other traditions than L9 of Ibn Ḥibbān does. For example, the text of al-Bukhārī does not relate how Khubayb was killed, while the traditions we have discussed above tell that his neck was struck. Furthermore, the text of al-Bukhārī does not always mention the *nasab* of persons (ʿĀṣim instead of ʿĀṣim ibn Thābit (l6 and l7), Khubayb instead of Khubayb ibn ʿAdī (l9 and l12) and Zayd instead of Zayd ibn (al-)Dathinna (l9 and l12)). It contains many peculiarities, like the omission of *bi-baʿḍ al-ṭarīq* (l3), *ataw* instead of *nazalū* (l5), *intahā* instead of *aḥassahum* or *ānasahum* (l6), the addition of *wa-ʿālajūhu ʿalā an yaṣḥabahum* (l11), *fa-lam yafʿal* instead of *fa-abā an yattabiʿahum* (l11), *baʿḍ* instead of *iḥdā* (l14), the addition of *dhālika* (l16), *thumma inṣarafa ilayhim fa-qāla* instead of *thumma qāla* (l18) and *minhu ʿalā shayʾ* instead of *ʿalā shayʾ minhu* (l24).

Still, a great part of al-Bukhārī's tradition is identical in structure and formulation to the traditions we have discussed above. The conclusion of the *matn*-analysis is that all detailed traditions derive from a common source. This source is according to the *asānīd* not ʿAbd al-Razzāq as we have seen before, but his teacher Maʿmar. This explains why this tradition differs from the other detailed stories. Not ʿAbd al-Razzāq, but Hishām ibn Yūsuf, another student of Maʿmar, transmitted the version of al-Bukhārī.

The similarity in structure and formulation suggests a written transmission. Because of the number of the differences – and even more importantly the type of variation – it is not possible that both students copied the text from a written version of Maʿmar's tradition. It seems more likely that Maʿmar spread this tradition via a dictation session, perhaps even at different times in his life.

When we combine the data from the different versions, an 'original' tradition of Maʿmar may have looked as follows:[90]

> Muḥammad sent out a scouting expedition, appointing ʿĀṣim ibn Thābit, the grandfather of ʿĀṣim ibn ʿUmar (H: ibn al-Khaṭṭāb) as their leader (1). When the expedition was (A: somewhere) between ʿUsfān and Mecca, they are mentioned to a clan of

[90] The versions of ʿAbd al-Razzāq and Hishām ibn Yūsuf in the *riwāya* of al-Bukhārī differ slightly. I put the additional information that only one student gives between brackets. "A" indicates ʿAbd al-Razzāq's and "H" the version of al-Bukhārī from Ibrāhīm ibn Mūsā from Hishām ibn Yūsuf.

Hudhayl, called the Banū Liḥyān (2). About 100 achers followed them (3). They found the campsite (4) with date pits that they recognized as date pits from Medina (5). They followed their tracks until they found them (6). When ʿĀṣim and his companions discovered them, they took refuge at an elevated place in the desert (7). The clan surrounded them (8) and promised not to kill anybody, if they surrendered (9). ʿĀṣim said that he does not come down on the basis of safety promised by an unbeliever (10) and asked God to inform Muḥammad of them (11).

They fought until the clan killed ʿĀṣim and six other people (H: with arrows) (12). This left Khubayb, Zayd and a third person (13). The clan offered them the same safeguard (14) and the three men surrendered (15). The clan untied the strings of their bows and tied the three men with the strings (16). The third man regarded this as the first sign of treachery and refused to follow them (18). They dragged him along (H: struggling with him) but he did not follow them (20). He said that he had an example in those [his killed companions] (19). The clan killed him (A: struck his neck) (21), taking Khubayb and Zayd [with them] and eventually, they sold them in Mecca (22).

The sons of al-Ḥārith ibn ʿĀmir ibn Nawfal bought Khubayb, because he had killed al-Ḥārith on the day of Badr (23). He stayed with them as a prisoner until they decided to kill him (24). Khubayb borrowed a razor from a daughter of al-Ḥārith to shave his pubic hair (25). She relates that she did not pay attention to a little boy of her's who walked to Khubayb (26). Khubayb put the boy on his thigh (27). She got very scared when she saw that, because Khubayb still had the razor in his hand. He noticed that she was scared (28). He asked her if she was afraid that he would kill the boy and reassured her that he would not do [H: such a thing) God willing (29). The woman used to say that she never saw a better prisoner than Khubayb (30). She saw him eating from a bunch of grapes, while there was no fruit in Mecca at that time and while he was still in irons (31). It was certainly food that God gave to him." (32).

When they left the sacred territory with Khubayb to kill him, he asked them to allow him to perform a short prayer consisting of two cycles (33), (A: which he did (34)). Then he said (H: turning towards them) that he would have performed more if

> they would not have thought that he was afraid of death (35). It was he who established the practice of [praying] a short prayer consisting of two cycles before an execution (40). He asked God to register them by number (36). Then he said, "Being killed as a Muslim, I do not care how my death comes, since it is in God's cause (37). For that is God's prerogative; and if He wishes He will give His blessing to severed limbs." (38) Then ʿUqba ibn al-Ḥārith came to him and killed him (39).
>
> Quraysh sent [messengers] out for ʿĀṣim to bring something from his body by which they could recognize him (42), because he had killed one of their nobles (43). God sent a cloud-like swarm of bees. It protected him from their messengers (44) and they could not [get] anything from him (45).

Besides the seven detailed versions discussed above, there is one medium-length tradition and seven short stories on the raid of the Hudhayl that Maʿmar allegedly transmitted. Let us start with the medium-length tradition. The tradition is from Ibn al-Athīr's *Usd al-ghāba* and is part of the *bāb* on ʿĀṣim ibn Thābit ibn Abī al-Aqlaḥ.[91] The first problem we face is the *isnād*. Ibn al-Athīr does not mention from whom he received the tradition. The only information he gives is that this is a tradition from Maʿmar → al-Zuhrī → ʿAmr ibn Abī Sufyān al-Thaqafī → Abū Hurayra. We will first have to establish whether this is a genuine tradition from Maʿmar. If this is indeed the case, we will try to find out who transmitted the tradition from Maʿmar.

The tradition does not contain all elements of the detailed versions of Maʿmar. It starts with the information that Muḥammad sent a scouting expedition appointing ʿĀṣim ibn Thābit as their leader (element 1). They went away until they were between ʿUsfān and Mecca, when they are mentioned to a clan of Hudhayl, the Banū Liḥyān (element 2). About 100 archers followed them (element 3), until they found them and surrounded them (element 8). The clan promised them that if they descend to them, they would not kill any of them (element 9). ʿĀṣim said that he would not descend on the safeguard of a polytheist (element 10) and asked God to inform His prophet of them (element 11). They fought with them and shot them until the clan killed ʿĀṣim and six other people (element 12). Only Khubayb ibn ʿAdī, Zayd ibn

[91] Ibn al-Athīr, *Usd al-ghāba*, III, 111–112 (2663 ʿĀṣim ibn Thābit).

al-Dathinna and a third person were left (element 13). The clan offered them the same safeguard (element 14). The three surrendered to them (element 15) and they seized them.

Ibn al-Athīr remarks at this point that he has already related the story of Khubayb in the *bāb* on him. The story continues with the information that Quraysh sent [messengers] to ʿĀṣim to retrieve him or something of his body by which they could recognize him (element 42). In the final part of the tradition, Ibn al-Athīr seems to have combined the tradition from Maʿmar with another story about ʿĀṣim, because it contains information that no other tradition from al-Zuhrī on the raid of the Hudhayl has (Sulāfa asking for the head of ʿĀṣim, because he had killed her son; God sending rain to protect ʿĀṣim's body during the night; ʿĀṣim's prayer to God that he should not touch a polytheist and no polytheist should touch him and a poem from Ḥassān [ibn Thābit] on ʿĀṣim). Only two sentences are familiar: *wa-kāna qatala ʿUqba ibn Abī Muʿayṭ al-Umawī yawm Badr* (element 43) and *fa-baʿatha Allāh subḥānahu ʿalayhi mithl al-ẓulla min al-dabr fa-ḥamathu min rusulihim fa-lam yaqdirū ʿalā shayʾ minhu* (elements 44–45).

The remark of Ibn al-Athīr that he related the story of Khubayb elsewhere indicates that he edited the tradition. Beside the parts on the third man and Khubayb (elements 16–41) that he skipped, elements 4–7 are not mentioned in the beginning of the tradition. Ibn al-Athīr is probably also responsible for this, so he could quickly start with the section about the clan killing ʿĀṣim.

The *isnād* and the *matn* until the final part of Ibn al-Athīr's tradition resemble the detailed versions of Maʿmar apart from the shortening of the text. The informant of al-Zuhrī is called ʿAmr ibn Abī Sufyān al-Thaqafī. The *isnād* does not give any additional information on this person. The number of people participating in the scouting party is not mentioned specifically in the tradition, but can be deduced from the number of killed people (7) and the remaining ones (3). The tradition does not name the place where the meeting of the two parties is, but tells that it is between ʿUsfān and Mecca.

Still, there are some differences in the formulation compared with the detailed versions. They are the omission of *idhā* (l3), *wa-hum* instead of *yuqālu lahum* (l3), *fī qarīb* instead of *bi-qarīb* (l4), *jiwār mushrik* instead of *dhimmat kāfir* (l8), the addition of *fa-akhadhūhum* (l10), *fa-arsalat* instead of *wa-baʿatha(t)* (l22) and *bihi aw bi-shayʾ min*

jasadihi instead of *bi-shayʾ min jasadihi* (l23). The difference in the corresponding sentences of the final part of the tradition is the name *ʿUqba ibn Abī Muʿayṭ al-Umawī* instead of the vague description *ʿaẓīman min ʿuẓamāʾihim* (l23). The sentence on God sending bees to protect ʿĀṣim's body is identical to ʿAbd al-Razzāq's tradition in the *Muṣannaf*, except for the eulogy after Allāh.

Ibn al-Athīr is probably responsible for the name of the person ʿĀṣim had killed at Badr, because he gives the names of two other persons who ʿĀṣim had killed in the next sentence. It is therefore very likely that he knew the name of the person and changed the vague formulation 'one of their nobles' into the correct name. It was probably not the intention of Ibn al-Athīr to give the complete and unaltered tradition, but he may have just wanted to relate the parts on ʿĀṣim that are relevant to the chapter. It is strange though, that he conscientiously mentions at the beginning of the tradition from whom he received the information (the *isnād*), but neglects to do the same for the final part of the tradition, which is clearly not from al-Zuhrī.

Does this also mean that Ibn al-Athīr is responsible for all the above-mentioned differences? The answer is probably no. A large part of the tradition is identical to the corresponding parts of the detailed traditions. Why should Ibn al-Athīr change the formulation only at some instances and not at others? The similarities indicate that the medium-length tradition is most probably a genuine Maʿmar-tradition. Some formulations differ quite considerably from the formulations in the detailed versions of two students of Maʿmar. It is not possible to determine whether Ibn al-Athīr or perhaps a third student of Maʿmar is responsible for these differences. It is certain however that Ibn al-Athīr edited the tradition.

Finally, we will discuss the seven short traditions that are attributed to Maʿmar. We have already compared traditions S11 and S8 from al-Ṭabarānī,[92] which derive from a combined transmission of Maʿmar and Ibrāhīm ibn Saʿd, with other traditions of Ibrāhīm ibn Saʿd.[93] The comparison with other traditions of Maʿmar confirms the conclusion that the *matn* and the lower part of the *isnād* are from Ibrāhīm and not from Maʿmar. The Maʿmar-traditions mention the name of al-Zuhrī's

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[92] Al-Ṭabarānī, *al-Muʿjam al-kabīr*, XVII, 175 (no. 463) (ʿĀṣim ibn Thābit ibn Abī al-Aflaḥ). Al-Mizzī, *Tahdhīb*, V, 418 (no. 4963) (ʿAmr ibn Abī Sufyān ibn Asīd ibn Jāriya al-Thaqafī).

[93] See pp. 334–335.

informant as ʿAmr ibn Abī Sufyān al-Thaqafī and not ʿUmar ibn Asīd ibn Jāriya al-Thaqafī, and lack the additional information that he was a confederate of the Banū Zuhra and one of the companions of Abū Hurayra. Furthermore, the *matn* contains two formulations that none of Maʿmar's traditions has, *ʿasharat rahṭ ʿaynan* instead of *sariyya ʿaynan* (l2) and the *nisba al-Anṣārī* after ʿĀṣim ibn Thābit (l2).

Tradition S4 of the *Kitāb al-Awāʾil* of Ibn Abī ʿĀṣim contains the first sentence of the detailed versions (element 1) and then continues with the part where Khubayb asks if he may perform a short prayer consisting of two cycles (part of element 33) and the remark that he established the practice of performing a short prayer consisting of two cycles before an execution (element 40).[94] The first sentence differs in three places from the detailed versions: the word *sariyya* is not mentioned, *istaʿmala* is used instead of *ammara* and the *nasab* Ibn Abī al-Aqlaḥ is added to the name of ʿĀṣim ibn Thābit. The other two sentences are identical. Especially the use of the name ʿAmr ibn Abī Sufyān without additional information in the *isnād* is a peculiarity of a Maʿmar-tradition. Ibn Abī ʿĀṣim received the tradition from Ibn Abī ʿUmar → ʿAbd al-Razzāq → Maʿmar → al-Zuhrī → ʿAmr ibn Abī Sufyān al-Thaqafī → Abū Hurayra. Since all other traditions from ʿAbd al-Razzāq – and even the one from Hishām ibn Yūsuf and the medium-length tradition – are identical in the formulation of the first sentence, one of the transmitters after ʿAbd al-Razzāq, Ibn Abī ʿUmar or Ibn Abī ʿĀṣim himself, must be responsible for the changes. Ibn Abī ʿĀṣim is responsible for the shortening of the text, since the tradition only contains information that concerns the topic of the book, i.e. traditions that deal with the establishment of a certain practice.

Tradition S6 is from Ibn Ḥibbān, who mentioned it after the detailed tradition (L9) discussed above.[95] He does not give the complete *isnād*, but names his sources until ʿAbd al-Razzāq. He says that ʿAbd al-Razzāq transmitted a similar (= similar to the previous detailed tradition) tradition with the same *isnād* (*bi-isnādihi naḥwahu*). Ibn Ḥibbān does not relate the complete tradition, but only the last sentence (elements 44 (partly) – 45), which he introduces with the remark "*wa-qāla fī ākhirihi*" (he said at the end of it).

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[94] Ibn Abī ʿĀṣim, *Kitāb al-Awāʾil*, Beirut 1411/1991, 53 (no. 121) (*Awwal man sanna rakʿatayn ʿinda al-qatl*).

[95] Ibn Ḥibbān, *Ṣaḥīḥ*, XV, 514–515 (*Dhikr* Khubayb ibn ʿAdī).

The *matn* differs in two places with the detailed versions, the omission of *fa-ḥamathu min rusulihim* (l24) and *minhu* (l24). It is remarkable that the previous detailed tradition L9 of Ibn Ḥibbān from Ibn Abī al-Sarī also lacks *fa-ḥamathu min rusulihim* plus the two words *min al-dabr* before this sentence. Since the detailed versions of two other students of ʿAbd al-Razzāq and the tradition from Hishām ibn Yūsuf, another student of Maʿmar, mention this sentence, it most probably has to be part of the 'original' tradition of ʿAbd al-Razzāq and even of Maʿmar. It is very strange that Ibn Ḥibbān possesses two traditions of two different students of ʿAbd al-Razzāq (Ibn Rāhwayh (S6) and Ibn Abī al-Sarī (L9)) that both lack the sentence in question. Ibn Ḥibbān emphasises this (unintentionally?) by only mentioning the last sentence in the second tradition, while he states that it is part of a longer tradition.

The last tradition attributed to ʿAbd al-Razzāq is from al-Ṭabarānī's *Kitāb al-Awāʾil* and only relates the section dealing with Khubayb performing a short prayer consisting of two cycles before his execution (elements 33 (partly), 34 and 40).[96] The title of the book *Kitāb al-Awāʾil* explains why the tradition deals only with the section dealing with Khubayb asking permission – and receiving it – to perform a short prayer consisting of two cycles. Al-Ṭabarānī's interest lies in (parts of) traditions that handle the establishment of a certain practice, in this case a short prayer consisting of two cycles before an execution. He gives the same *isnād* as in his detailed tradition L15, Isḥāq ibn Ibrāhīm al-Dabarī → ʿAbd al-Razzāq → Maʿmar etc.

The tradition starts with a sentence, which the detailed versions do not have: *anna Khubayb ibn ʿAdī raḍiya Allāh ʿanhu lammā arāda al-mushrikūna qatlahu qāla lahum*. Al-Ṭabarānī himself probably added it to introduce the topic of the tradition. The following sentences contain two differences compared with the detailed traditions: the addition of *fa-tarakūhu* (l19), *fa-ṣallāhumā* instead of *fa-ṣallā al-rakʿatayni* (l19) and the addition of *Khubayb* in the sentence *fa-kāna Khubayb awwal man sanna* […] (l20). Especially the addition of *fa-tarakūhu* is remarkable, because Maʿmar is the only student of al-Zuhrī who does not use this word in any other tradition, as the comparison of the traditions between students of al-Zuhrī will show. Al-Ṭabarānī has

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[96] Al-Ṭabarānī, *Kitāb al-Awāʾil*, Beirut 1403/[1983], 108 (*Bāb awwal man sanna al-rakʿatayn*).

traditions about the raid of the Hudhayl from Maʿmar and Ibrāhīm ibn Saʿd. Tradition S11 (and S8) that we have discussed above is a combined tradition of Maʿmar and Ibrāhīm ibn Saʿd. It is possible that al-Ṭabarānī mixed two versions and added the word *fa-tarakūhu* by mistake in this tradition from Maʿmar. The tradition contains the Maʿmar feature of calling al-Zuhrī's informant, ʿAmr ibn Abī Sufyān al-Thaqafī without any additional information.

The last two traditions deal with the same topic, i.e. the person who established the practice of [praying] a short prayer consisting of two cycles before an execution is Khubayb (element 40). The main difference between the two traditions is that al-Wāqidī traces this saying to Abū Hurayra in *Kitāb al-Maghāzī* (S12) and Khalīfa ibn Khayyāṭ to al-Zuhrī in *Taʾrīkh Khalīfa ibn Khayyāṭ* (S7).[97] The *asānīd* of the traditions are Maʿmar → al-Zuhrī → ʿAmr ibn Abī Sufyān ibn Asīd ibn al-ʿAlāʾ → Abū Hurayra and ʿAbd Allāh ibn Dāwūd → Maʿmar → al-Zuhrī, respectively. The *mutūn* are identical, except for a different form of the verb *sanna*. Al-Wāqidī says *sanna*, while Khalīfa ibn Khayyāṭ uses the eighth form *istanna*. They differ from the corresponding sentence in the detailed versions by omission of the verb *fa-/wa-kāna* at the beginning and the use of *Khubayb* instead of *huwa* at the end. Both differences are a logical result of mentioning the sentence outside the framework of the detailed story.

The *isnād* of al-Wāqidī shares the same feature of the other Maʿmar traditions by calling the informant of al-Zuhrī ʿAmr ibn Abī Sufyān without further notification of his relation with the Banū Zuhra and Abū Hurayra. The main difference is that al-Wāqidī's *isnād* has the *nasab* Ibn Asīd ibn al-ʿAlāʾ instead of the *nisba* al-Thaqafī. Since the other Maʿmar traditions lack this *nasab*, al-Wāqidī must be responsible for this change. It is not possible to determine whether the tradition of Khalīfa ibn Khayyāṭ derives indeed from Maʿmar, because it stops at al-Zuhrī and therefore lacks the distinctive part of the *isnād*. Furthermore, the *matn* is too short and the differences too few to draw any conclusions. It is also not possible to decide who is responsible for the shortening of the tradition, Maʿmar or both of his students (provided the tradition from Khalīfa ibn Khayyāṭ derives indeed from Maʿmar).

[97] Al-Wāqidī, *Kitāb al-Maghāzī*, I, London 1966, 358. Khalīfa ibn Khayyāṭ, *Taʾrīkh Khalīfa ibn Khayyāṭ*, Beirut 1415/1995, 33 (*Sanat thalāth – Wa-fīhā amr al-Rajīʿ*).

The *isnād-cum-matn* analysis of the traditions attributed to Maʿmar shows that Maʿmar transmitted a detailed tradition about the raid of the Hudhayl to two of his students, Hishām ibn Yūsuf and ʿAbd al-Razzāq. Three different students of ʿAbd al-Razzāq, Isḥāq ibn Ibrāhīm al-Dabarī, Ibn Ḥanbal and Ibn Abī al-Sarī, transmitted his detailed tradition further on. There is some evidence that a fourth student, Isḥāq ibn Ibrāhīm al-Ḥanẓalī, i.e. Ibn Rāhwayh, possibly knew the entire tradition, although only one sentence is preserved. There are some indications that two other students of Maʿmar, al-Wāqidī and ʿAbd Allāh ibn Dāwūd, knew at least a small part of the tradition, but the evidence is too small to draw any conclusion.

Shuʿayb ibn Abī Ḥamza

The main text for the comparison is from the *Ṣaḥīḥ* of al-Bukhārī, which is the earliest collection that contains a detailed version.[98]

حدثنا ابو اليمان قال: اخبرنا شعيب عن الزهري قال: اخبرني عمرو بن أبي سفيان بن أسيد بن جارية الثقفي وهو حليف لبني زهرة وكان من أصحاب أبي هريرة أن أبا هريرة قال: بعث رسول الله صلعم عشرة رهط سرية عينا وأمر عليهم عاصم بن ثابت الانصاري جد عاصم بن عمر بن الخطاب فانطلقوا حتى اذا كانوا بالهداءة وهو بين عسفان ومكة ذكروا لحي من هذيل يقال لهم بنو لحيان [فنفروا لهم][99] قريبا من مائتي رجل كلهم رام فاقتصوا آثارهم حتى وجدوا مأكلهم تمرا تزودوه من المدينة فقالوا: هذا تمر يثرب فاقتصوا آثارهم فلما رآهم عاصم وأصحابه لجؤوا[100] الى فدفد وأحاط بهم القوم فقالوا لهم: انزلوا وأعطونا بأيديكم ولكم العهد والميثاق ولا نقتل منكم أحدا فقال عاصم بن ثابت أمير السرية: أما أنا فوالله لا انزل اليوم في ذمة كافر اللهم أخبر عنا نبيك فرموهم بالنبل فقتلوا عاصما في سبعة فنزل اليهم ثلاثة رهط بالعهد

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[98] Al-Bukhārī, *Ṣaḥīḥ*, II, 258–259 (*Kitāb al-jihād – Bāb qatl al-asīr wa-qatl al-ṣabr*). All line numbers in this paragraph refer to the lines mentioned below in the Arabic text.

[99] I inserted the words *fa-naffarū lahum* (l4) and *la-zidtu* (l18), because the sentences would have been incomplete otherwise. I took the words from Abū al-Yamān's version in *al-Sunan al-kubrā* of al-Nasāʾī. The editor changed the word *fa-naffarū* to *tanaffarū*, but the traditions from Ibrāhīm ibn Ismāʿīl, Ibrāhīm ibn Saʿd and Maʿmar confirm the use of the conjunction *fa-* here. Al-Nasāʾī, *al-Sunan al-kubrā*, V, 261–263 (no. 8839/1) (78 *Kitāb al-siyar* – 159 *Bāb tawjīh al-ʿuyūn wa-l-tawliya ʿalayhim*).

[100] The word in al-Bukhārī's text is *lajāʾū*, which is probably a printing error. Al-Nasāʾī's tradition confirms the word *lajaʾū*. Al-Nasāʾī, *al-Sunan al-kubrā*, V, 261.

والميثاق منهم خبيب الأنصاري وابن دثنة ورجل آخر فلما استمكنوا منهم أطلقوا أوتار قسيهم فاوثقوهم فقال الرجل الثالث: هذا اول الغدر والله لا أصحبكم إن لي في هؤلاء لأسوة يريد القتلى وجرروه وعالجوه على أن يصحبهم فأبى فقتلوه وانطلقوا بخبيب وابن دثنة حتى باعوهما بمكة بعد وقيعة بدر فابتاع خبيبا بنو الحارث بن عامر بن نوفل بن عبد مناف وكان خبيب هو قتل الحارث بن عامر يوم بدر فلبث خبيب عندهم أسيرا فاخبرني عبيد الله بن عياض أن بنت الحارث اخبرته أنهم حين أجتمعوا استعار منها موسى يستحد بها فأعارته فأخذ ابنا لي وأنا غافلة حتى أتاه قالت: فوجدته مجلسه على فخذه والموسى بيده ففزعت فزعة عرفها خبيب في وجهي قال: تخشين أن أقتله؟ ما كنت لافعل ذلك والله ما رأيت أسيرا قط خيرا من خبيب فوالله لقد وجدته يوما يأكل من قطف عنب في يده وإنه لموثق في الحديد وما بمكة من ثمر وكانت تقول: إنه لرزق من الله رزقه خبيبا فلما خرجوا من الحرم ليقتلوه في الحل قال لهم خبيب: ذروني أركع ركعتين فتركوه فركع ركعتين ثم قال: لولا أن تظنوا أن ما بي جزع [لزدت] اللهم أحصهم عددا ولست أبالي حين أقتل مسلما على اي شق كان لله مصرعي وذلك في ذات الإله وإن يشأ يبارك على أوصال شلو ممزع فقتله ابن الحارث فكان حبيب هو سن الركعتين لكل امرئ مسلم قتل صبرا فاستجاب الله لعاصم بن ثابت يوم أصيب فأخبر النبي صلعم أصحابه خبرهم يوم[101] أصيبوا وبعث ناس من كفار قريش إلى عاصم حين حدثوا أنه قتل ليؤتوا بشيء منه يعرف وكان قد قتل رجلا من عظمائهم يوم بدر فبعث الله على عاصم مثل الظلة من الدبر فحمته من رسولهم فلم يقدروا أن يقطعوا من لحمه شيئا.

Abū al-Yamān told us, he said: Shuʿayb informed us on the authority of al-Zuhrī, he said: ʿAmr ibn Abī Sufyān ibn Asīd ibn Jāriya al-Thaqafī, an ally of the Zuhra and one of the companions of Abū Hurayra, informed me that Abū Hurayra said:

The messenger of God sent out a scouting expedition of ten men, appointing ʿĀṣim ibn Thābit al-Anṣārī, the grandfather of ʿĀṣim ibn ʿUmar ibn al-Khaṭṭāb, as their leader (1). They went away until they came to al-Hadāʾa, which lies between ʿUsfān and Mecca, [when] they were mentioned to a clan of Hudhayl, called the Banū Liḥyān (2). About 200 archers [hurried to them] and followed their tracks (3), until they found the place where they had eaten dates, which they had taken along as provision (4). They said, "These are date pits from Yathrib." (5) They followed their tracks (6).

When ʿĀṣim and his companions saw them, they fled to an elevated place in the desert (7). The clan surrounded them (8) and said to them,

[101] The word in Bukhārī's text is *wa-mā*, which is a transmission error. The detailed tradition from al-Nasāʾī and al-Bukhārī's short tradition confirm the word *yawm*.

"Come down surrendering yourselves. You have the pledge and promise and we will not kill anyone of you." (9) ʿĀṣim ibn Thābit the leader of the expedition said, "As for me, by God, I will not come down on the basis of safety promised by an unbeliever today (10). O God, inform Your prophet about us!" (11)

They shot arrows at them and killed ʿĀṣim and six other people (12). Three men surrendered to them on the pledge and promise, among whom were Khubayb al-Anṣārī, Ibn Dathinna and another man (15). When they seized them, they untied the strings of their bows and bound them (16). The third man said, "This is the first sign of treachery. By God, I shall not accompany you (18). I have truly in those ones an example!" – By which he meant the dead (19). They dragged him along struggling with him so he would come with them, but he refused (20). They killed him (21), while they took Khubayb and Ibn Dathinna [with them] and eventually, they sold them in Mecca [– all this happened] after the battle of Badr (22).

The sons of al-Ḥārith ibn ʿĀmir ibn Nawfal ibn ʿAbd Manāf bought Khubayb, because he was the one he who had killed al-Ḥārith ibn ʿĀmir ibn Nawfal on the day of Badr (23). Khubayb stayed with them as a prisoner (24).

ʿUbayd Allāh ibn ʿIyāḍ informed me that the daughter of al-Ḥārith informed him that when they came together, he [i.e. Khubayb] borrowed from her a razor to shave [his pubic hair] and she loaned him one (25). "He took a son of mine, while I did not pay attention, until he [the child] went to him." (26) She said, "I found him putting him on his thigh with the razor in his hand (27). I got terrified, which Khubayb noticed in my face." (28) He said, "Are you afraid that I shall kill him? I would never do that." (29)

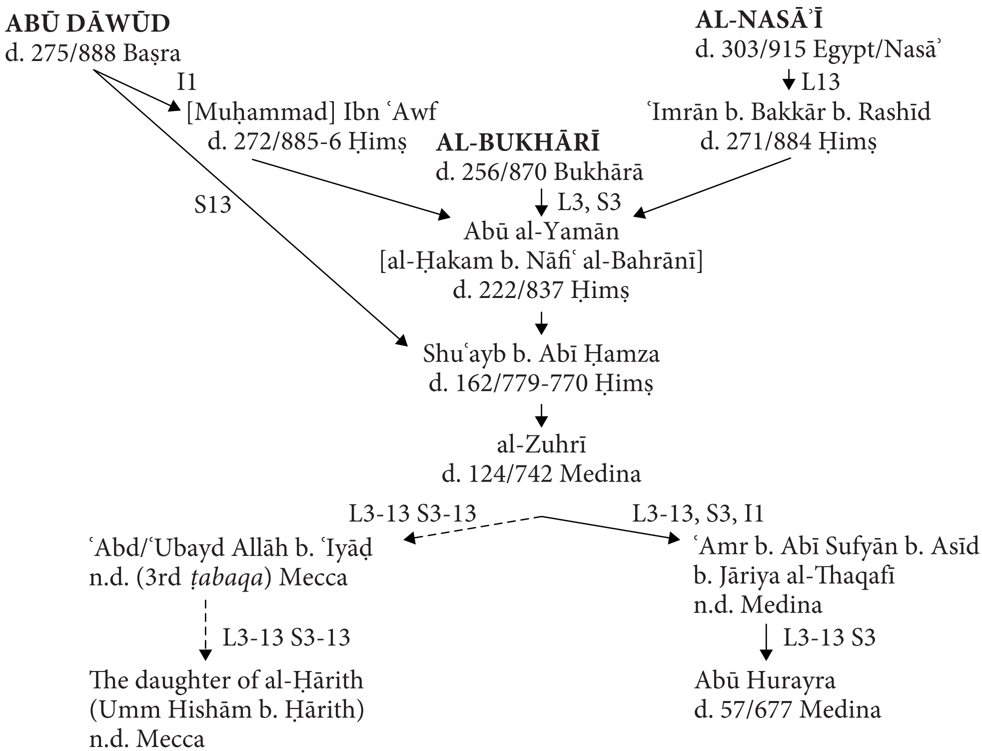
"By God, I have never seen a better prisoner than Khubayb (30). By God, I found him one day eating from a bunch of grapes in his hand, while he was still in irons and while there was no fruit in Mecca." (31). She used to say, "It was certainly food from God that He gave to Khubayb (32).

When they went out of the sacred territory to kill him in the *ḥill*, Khubayb said to them, "Let me alone to perform a short prayer consisting of two cycles." (33) They left him alone and he performed a short prayer consisting of two cycles (34). Then he said, "If you would not assume that I was afraid [of death I would have performed more] (35). O God, register them by number (36). Being killed as a Muslim, I do not care how my death comes, since it is in God's cause (37). For that is God's prerogative; and if He wishes He will give His blessing to severed limbs." (38) Ibn al-Ḥārith killed him (39). It was Khubayb who established the practice of [praying] a short prayer consisting of two cycles for each Muslim to be killed in captivity (40).

> God answered [the prayer of] ʿĀṣim ibn Thābit on the day he was killed. The prophet Muḥammad informed his companions regarding their matter on the day they were killed (41). People of Quraysh sent [messengers] out for ʿĀṣim when they were told that he was killed to bring something from him which they could recognize (42), because he had killed one of their nobles on the day of Badr (43). God sent to ʿĀṣim a cloud-like swarm of bees and it protected him from their messengers (44). They could not cut anything from his flesh (45).

The schedule below shows the *asānīd* of the traditions from Shuʿayb ibn Abī Ḥamza, whereby the dotted lines represent the second *isnād* preceding the execution of Khubayb.

We will start again with the comparison of the detailed traditions, L3 of al-Bukhārī and L13 of al-Nasāʾī. The number of differences between the two texts is very small. The most significant differences in the text of al-Nasāʾī are *bi-qarīb* instead of *qarīban* (l5), *miʾa* instead



of *mi'atay* (l5), *fa-ttabaʿū* instead of *fa-qtaṣṣū* (l6) *wa-ʿālajūhu fa-abā an yaṣḥabahum* instead of *wa-ʿālajūhu ʿalā an yaṣḥabahum fa-abā* (l13), *fa-daraja* instead of *fa-akhadha* (l17), *thumma qāma ilayhi Abū Sirwaʿa ʿUqba ibn al-Ḥārith fa-qatalahu* instead of *fa-qatalahu Ibn al-Ḥārith* (l24) and the omission of the words *wa-huwa ḥalīf li-Banī Zuhra* (l2), *fa-qālū hādhā tamr Yathrib* (l6), *inna lī fī hā'ulā'i la-uswa* (l13), *yurīdu al-qatlā* (l13) and *imra'* (l25).

We can therefore conclude that the traditions derive from a common source. The texts are so much alike in content and formulation that they must have been transmitted by writing. However, the above-mentioned differences indicate that the version of al-Nasā'ī via ʿImrān ibn Bakkār ibn Rāshid is not a copy of al-Bukhārī's (earlier) text, but is the result of an independent transmission. The common source of the two detailed versions is Abū al-Yamān according to the *asānīd*.

My collection contains three other traditions that are attributed to Shuʿayb, two short traditions and one that only states the *isnād*. Tradition S3 is like the detailed tradition L3 present in the *Ṣaḥīḥ* of al-Bukhārī, but he placed it in *kitāb al-tawḥīd* (the book on the belief in the unity of God) in a chapter called *mā yudhkaru fī al-dhāt wa-l-nuʿūt wa-asāmī Allāh* (what is mentioned on the nature, the attributes and the names of God).[102]

The tradition starts the same as the detailed version – the messenger of God sent ten persons (part of element 1) but then switches immediately to the intended purpose. It contains the following elements: 25 (partly), 33 (partly), 37, 38, 39 and 41 (partly). The story is limited to Khubayb, but does not mention every detail on him. For example, although the tradition mentions that Khubayb borrowed a razor from the daughter of al-Ḥārith, it does not relate the part with her young son. The first and second *isnād* and the *matn* are identical to the detailed version except for the (partial) omission of elements and two additions, *minhum Khubayb al-Anṣārī* in the first sentence and *al-Anṣārī* after the name of Khubayb later in the text. This tradition is clearly a shortened version of the detailed story, that al-Bukhārī adapted to suit the purpose of his chapter.

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[102] Al-Bukhārī, *Ṣaḥīḥ*, IV, 452 (*Kitāb al-tawḥīd – Bāb mā yudhkaru fī al-dhāt wa-l-nuʿūt wa-asāmī Allāh*).

Short story S13 is from the *Sunan* of Abū Dāwūd al-Sijistānī.[103] He placed it in *kitāb al-janāʾiz* (book of the biers) in the chapter called *al-marīḍ yuʾkhadhu min aẓfārihi wa-ʿānatihi* (the nails and pubic hair of a sick person are cut off) after a short tradition from Ibrāhīm ibn Saʿd from al-Zuhrī on the same topic. The story of Shuʿayb deals with the part when Khubayb borrows a razor from the daughter of al-Ḥārith to shave his pubic hair after they gathered (to kill him) (element 25). The *matn* is identical to the corresponding sentence in the detailed versions except for one explanation *yaʿnī li-qatlihi* that probably derives from Abū Dāwūd al-Sijistānī. The *isnād* is not complete. At the end of the tradition from Ibrāhīm ibn Saʿd, Abū Dāwūd al-Sijistānī says that Shuʿayb ibn Abī Ḥamza related this story on the authority of al-Zuhrī from ʿUbayd Allāh ibn ʿIyāḍ from the daughter of al-Ḥārith. It is not possible that he received the tradition directly from Shuʿayb, since Shuʿayb died in 162/779–780 and Abū Dāwūd al-Sijistānī lived from 202–275/817–888. The deviating *isnād* of the section dealing with Khubayb in the tradition of Shuʿayb is probably the reason why Abū Dāwūd al-Sijistānī related the tradition without the complete *isnād* and *matn*.

We have evidence that Abū Dāwūd al-Sijistānī was acquainted with the *isnād* from Shuʿayb via ʿAmr ibn Abī Sufyān, because he cites it in *kitāb al-jihād* in the chapter on ʻthe man who submits himself as a captive (*bāb fī al-rajul yastaʾsiru*).[104] He does not give the complete tradition from Shuʿayb, but says after the *isnād* that he [Ibn ʿAwf] told the same tradition [as Mūsā ibn Ismāʿīl from Saʿd ibn Ibrāhīm] (*fa-dhakara al-ḥadīth*). He received it from [Muḥammad] Ibn ʿAwf → Abū al-Yamān → Shuʿayb → al-Zuhrī → ʿAmr ibn Abī Sufyān ibn Asīd ibn Jāriya al-Thaqafī. Abū Hurayra is not mentioned as informant of ʿAmr, although the *isnād* holds the information at the end that ʿAmr was one of the companions of Abū Hurayra. The omission of the name of Abū Hurayra is probably a mistake from Ibn ʿAwf, Abū Dāwūd al-Sijistānī or a later transmitter.

It is not certain that Abū Dāwūd al-Sijistānī knew the complete detailed tradition from Shuʿayb, because the above-mentioned tradition that only states the *isnād* is placed after an abridged version of the

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[103] Abū Dāwūd, *Sunan*, III, 189 (no. 3112) (*Kitāb al-janāʾiz – 16 Bāb al-marīḍ yuʾkhadhu min aẓfārihi wa-ʿānatihi*).

[104] Abū Dāwūd, *Sunan*, III, 51 (no. 2661) (*Kitāb al-jihād – Bāb fī al-rajul yastaʾsiru*).

story of the raid of the Hudhayl from Ibrāhīm ibn Saʿd on the authority of al-Zuhrī. However, it is more likely that he knew the complete detailed tradition instead of another abridged version from a second student of al-Zuhrī (Shuʿayb in this case). Abū Dāwūd al-Sijistānī received the short tradition about Khubayb probably via the same transmitters as he mentioned in the second tradition, i.e. Ibn ʿAwf → Abū al-Yamān → Shuʿayb. However, we do not know this for certain, since there is no tradition that includes both *asānīd* as far as I know.

What we do know, is that we only possess the detailed story from Shuʿayb on the raid of the Hudhayl in the version of his student Abū al-Yamān, who spread it to at least two pupils, al-Bukhārī and ʿImrān ibn Bakkār. Abū al-Yamān related probably the detailed version, but certainly some parts of it, to another student, Muḥammad ibn ʿAwf.

IV. *Matn* Analysis between Students of al-Zuhrī

Resemblance of the Traditions

The structure of the story about the raid of the Hudhayl in the versions of Ibrāhīm ibn Ismāʿīl, Ibrāhīm ibn Saʿd, Maʿmar and Shuʿayb bear a great resemblance. The plot the versions have in common is as follows.

> The party that Muḥammad sends out consists of ten persons under the leadership of ʿĀṣim ibn Thābit. Only two other participants are mentioned by name in the story: Khubayb and Zayd ibn al-Dathinna. [The story does not relate where they are heading.] About 100 archers of the Hudhayl, from the Banū Liḥyān, start to follow them at a place somewhere between ʿUsfān and Mecca. [It is not certain what the correct name of the place is. The three students that mention the location give several variants of the name: al-Hadda, al-Hadʾa, al-Hadāʾa or al-Hadāh.][105] The clan knows that the group they are following is from Medina, because they find leftovers of dates that grow in and around Medina.
>
> When the group of ʿĀṣim realizes they are being followed, they flee to an elevated place. The Hudhayl surround them and

[105] There seems to have been confusion on the spelling of the name of this place. Yāqūt, *Muʿjam al-buldān*, V, 395 also lists several variants: al-Hadʾa, al-Hadda, al-Hada.

promise them not to kill them if they surrender. ʿĀṣim refuses and asks God to inform Muḥammad regarding their matter. They start to fight. Seven persons of the group are killed, among whom was ʿĀṣim. The remaining three persons surrender on the original conditions. The names of two persons are Khubayb and Zayd, the third person remains unnamed. The Hudhayl tie them with the strings of their bows. The third unknown man considers this a betrayal of the surrender terms and refuses to follow them. The Hudhayl kill him and bring Khubayb and Zayd to Mecca.

We do not know from this story what happened to Zayd, but the sons of al-Ḥārith ibn ʿĀmir ibn Nawfal buy Khubayb, because he had killed al-Ḥārith at Badr (three students agree on Badr, one – Ibrāhīm ibn Ismāʿīl – mentions Uḥud). When the sons of al-Ḥārith decide to kill Khubayb he borrows a razor from a daughter of al-Ḥārith to shave his pubic hair. She forgets to look after a young son of her's who walks to Khubayb and sits or is placed on his thigh. She is scared that Khubayb will kill her son, because he still has the razor in his hand. Khubayb assures her that he would never do that.

[At this point in the story the same woman tells an anecdote.] She says that she had never seen a better prisoner than Khubayb. She apparently saw him eat from a bunch of grapes one day while there was no such fruit in Mecca at that time. Some versions of three students add the detail that Khubayb was chained. She said that it was food God gave him.

Three students continue the story with how Khubayb was killed. One student first relates the section dealing with what happened to the body of ʿĀṣim, before he continues with the killing of Khubayb. Because the majority of the students continue the story about Khubayb, we will follow their plot. Also, it is more logical to continue with the section dealing with Khubayb instead of interrupting it with a story about a different person.

When the sons of al-Ḥārith leave Mecca with Khubayb to kill him, he asks them to allow him to perform a short prayer consisting of two cycles. Afterwards he says that he would have performed more would they not have thought that he was afraid [to die]. He was the first person who did this before an execution. Three students relate that Khubayb asked God to register them

by number and according to two students Khubayb ended the sentence with 'and kill them one by one'.[106] The four students agree that Khubayb spoke the following verses,[107] although one student – Ibrāhīm ibn Ismāʿīl – misses the first part of the first (translated) verse.

> Being killed as a Muslim, I care not how my death comes, since it is in God's cause.
> For that is God's prerogative; and if He wishes He will give His blessings to severed limbs'.

Thereupon Abū Sirwaʿa ʿUqba ibn al-Ḥārith went to Khubayb and killed him.

At the end of the tradition, we are informed what happened to the body of ʿĀṣim (but still nothing on Zayd).

> The Quraysh sent some people to the body of ʿĀṣim to return with something by which they could recognize him, because ʿĀṣim had killed one of their esteemed men at Badr. However, God sent bees that protected his body from the messengers. They were not able to get anything from him.
>
> Two students additionally mention that God anwered ʿĀṣim ibn Thābit's prayer on the day he died. Muḥammad informed his people regarding their matter on the day they were killed.

The composed story shows that the versions of Ibrāhīm ibn Ismāʿīl, Ibrāhīm ibn Saʿd, Maʿmar and Shuʿayb have many details in common concerning the content of the story about the raid of the Hudhayl. Is this also the case with formulations? The following list contains the most striking formulations that are (almost) identical in the four versions.

– *dhukirū li-ḥayy min Hudhayl yuqālu lahum Banū Liḥyān*
– *rajul rām* (*rajul rāmiyan* Ibrāhīm ibn Ismāʿīl)

[106] The style of this part is *sajʿ*. In pre-Islamic time, *sajʿ* was used in magical formulae of soothsaying and enchanting/cursing among others. G. Borg, "Sajʿ," in *Encyclopedia of Arabic Language and Linguistics*, IV, Leiden 2009, 105 and W.P. Heinrichs, "Sadjʿ," in *EI2*, VIII, Leiden 1995, 733. Ibn Isḥāq relates that one of the leaders of Quraysh, Abū Sufyān, threw his son Muʿāwiya, the later caliph, to the ground in fear of Khubayb's curse. Ibn Hishām, *Sīra*, I, 641.

[107] The metre of these verses is *ṭawīl* (v v - v / v - - - / v - v / v - v - // v - - / v - - - / v - - / v - v -) v = short syllable, - = long syllable. I would like to thank my colleagues Gert Borg and Ihab Abousetta for providing information on the poetry and prose in this tradition.

- *lā anzilu fī dhimmat kāfir* (*ʿalā ʿahd kāfir* Ibrāhīm ibn Ismāʿīl)
- *Allāhumma akhbir ʿannā rasūlaka/nabiyyaka*
- *aṭlaqū awtār qisiyyihim* (*ḥallū awtār qisiyyihim* Maʿmar)
- *hādhā awwal al-ghadr*
- *istaʿāra mūsā yastaḥiddu bihā*
- *fa-daraja ṣabī/bunayy*
- *atakhshayna an(nanī) aqtulahu?*
- *mā raʾaytu asīran khayran min Khubayb*
- *kāna illā rizqan/la-rizq razaqahu Allāh* (Ibrāhīm ibn Saʿd + Shuʿayb: *innahu…*)
- *lawlā an (…) mā bī jazaʿun la-zidtu* (*lawlā an yaqūlū jaziʿa la-zidtu* Ibrāhīm ibn Ismāʿīl)
- *Allāhumma aḥṣihim ʿadadan*
- *mā/fa-lastu ubālī ḥīna uqtalu musliman* (*mā ubālī* only Ibrāhīm ibn Ismāʿīl)
- *ʿalā ayy shiqq/janb kāna li-/fī Allāh maṣraʿī*
- *wa-dhālika fī dhāt al-ilāh wa-in yashaʾ*
- *yubārik ʿalā awṣāl shilw mumazziʿ*
- *mithl al-ẓulla min al-dabr fa-ḥamathu* (*dabran fa-ḥamat laḥmahu* Ibrāhīm ibn Ismāʿīl)

The above-mentioned similarities in content and formulation indicate that the versions of Ibrāhīm ibn Ismāʿīl, Ibrāhīm ibn Saʿd, Maʿmar and Shuʿayb of the story about the raid of the Hudhayl derive from a common source. The common source is al-Zuhrī according to the information from the *asānīd*. The question we will answer in the following part is whether these four versions are genuine transmissions. Are they the result of separate, independent transmissions, or is one (or maybe even more) version copied from another? The differences between the versions of the four students might give an answer to the above-mentioned questions.

Differences between the Traditions

Despite the large similarity between the versions of al-Zuhrī's students, it appears that each version has its own peculiarities. The following lists are a selection of the most distinctive features in the text of al-Zuhrī's students.

Ibrāhīm ibn Ismāʿīl:
ʿAmr aw ʿUmar ibn Asīd, ***fa-baʿathū ilayhim miʾat*** *rajul rāmiyan*, *lajaʾū ilā* ***jabal***, *fa-aḥāṭa bihim* ***al-ākharūna***, *lā anzilu* ***ʿalā ʿahd*** *kāfir*,

omission of the sentence *fa-ramawhum bi-l-nabl fa-qatalū ʿĀṣiman fī sabʿa*, *Ibn al-Dathinna* ***al-Bayāḍī***, the addition of the sentence *fa-jaraḥū rajulan min al-thalātha*, ***bi-Uḥud***, ***fa-baynamā*** *Khubayb ʿinda banāt al-Ḥārith*, ***fa-ṣāḥat al-marʾa***, ***inna al-ghadr laysa min shaʾninā***, *lawlā an* ***yaqūlū***, ***wa-khudhhum badadan***, *fa-ṣallā* ***al-sajdatayn***, omission of the sentence *ḥīna uqtalu musliman*, *thumma* ***kharaja bihi*** *Abū Sirwaʿa [...] fa-****ḍarabahu*** *fa-qatalahu*, ***fa-jarat sunna li-man***, *wa-baʿatha* ***ḥayy min*** *Quraysh*. Finally, the structure is different: the story about ʿĀṣim ibn Thābit's body is mentioned before the killing of Khubayb, the information that Khubayb established a *sunna* comes before him saying that he would have performed more and Khubayb says *aḥṣihim ʿadadan* only after the other four lines of poetry.

Ibrāhīm ibn Saʿd:
ʿUmar ibn Asīd ibn Jāriya al-Thaqafī, *fa-qāla ʿĀṣim amīr/ayyuhā* ***al-qawm***, *lawlā an* ***taḥsibū***, ***wa-qtulhum badadan wa-lā tubqi minhun aḥadan***, *huwa sanna li-kull muslim qutila ṣabran* ***al-ṣalāh***, *wa-baʿatha* ***nās min*** *Quraysh*.

Maʿmar:
ʿAmr ibn Abī Sufyān al-Thaqafī, ***sariyya ʿaynan (lahu)***, no name of the location between ʿUsfān and Mecca, ***fa-tabaʿūhum*** *bi-qarīb min miʾa*, ***wa-jāʾa al-qawm*** *fa-aḥāṭū bihim, an lā naqtula minkum* ***rajulan, fa-qātalūhum ḥattā*** *qatalū ʿĀṣiman fī sabʿat* ***nafar***, ***wa-baqiya*** *Khubayb wa-Zayd*, ***fa-makatha*** *ʿindahum asīran*, ***fa-lammā rayʾtuhu*** *faziʿtu fazaʿan, mā kuntu li-afʿala* ***in shāʾa Allāh***, *lawlā an* ***taraw(na)***, the omission of the *kunya* Abū Sirwaʿa, *fa-kāna* ***awwal man*** *sanna, wa-baʿathat* ***Quraysh***, *li-yuʾtaw* ***bi-shayʾ min jasadihi yaʿrifūnahu***, *wa-kāna qatala ʿ****aẓīman*** *min ʿuẓamāʾihim, fa-lam yaqdirū ʿ****alā shay****ʾ minhu*. Finally, the information that Khubayb established a *sunna* comes directly after him saying that he would have performed more.

Shuʿayb:
ʿAmr ibn Abī Sufyān ibn Asīd ibn Jāriya al-Thaqafī, fa-qāla ʿĀṣim ibn Thābit amīr ***al-sariyya***, *lā anzilu* ***al-yawm*** *fī dhimmat kāfir*, ***fa-akhbaranī ʿUbayd Allāh ibn ʿIyāḍ anna Bint al-Ḥārith akhbarathu***, *faziʿtu fazʿatan ʿarafahā Khubayb* ***fī wajhī***, *lawlā an* ***taẓunnū***, *wa-baʿatha* ***nās min kuffār*** *Quraysh*.

These peculiarities prove that these four students of al-Zuhrī transmitted their version(s) independently from each other, i.e. none of them copied the version of another student. Although the versions

of Ibrāhīm ibn Saʿd and Shuʿayb look very much alike, the difference in for example the name of al-Zuhrī's source or the use of the word *sariyya* by Shuʿayb, confirm their separate transmission.

An oddity that appeared from the comparison of the versions of the four students is that the deviating traditions L14 and L2 of Yūnus ibn Ḥabīb → Abū Dāwūd al-Ṭayālisī → Ibrāhīm ibn Saʿd bear resemblance to tradition L16 of al-Ṭabarī → Abū Kurayb → Jaʿfar ibn ʿAwn → Ibrāhīm ibn Ismāʿīl, especially in the section dealing with what happened to the body of ʿĀṣim ibn Thābit. The tradition of Yūnus does not mention that Muḥammad informed his companions regarding their matter on the day they died. Neither does the tradition of Ibrāhīm ibn Ismāʿīl. Other similarities are the omission of the words *ḥīna ḥuddithū annahu qutila* and the use of the formulations *li-yuʾtaw min laḥmihi bi-shayʾ* and *fa-lam yastaṭīʿū an yaʾkhudhū min laḥmihi shayʾan* (other version Ibrāhīm ibn Saʿd *li-yuʾtaw bi-shayʾ minhu yuʿrafu* and *fa-lam yaqdirū (ʿalā) an yaqṭaʿū minhu shayʾan)*. There are only two similarities in the remaining part of the tradition, *bi-miʾa* (other versions of Ibrāhīm ibn Saʿd *bi-qarīb min miʾa*) and *laqad raʾaytuhu* (other versions of Ibrāhīm ibn Saʿd *laqad wajadtuhu*).

Is my suggestion still valid that the reason for the deviating version of Yūnus ibn Ḥabīb from Abū Dāwūd al-Ṭayālisī might be the difference in time when Abū Dāwūd al-Ṭayālisī told the tradition to him or a different form of transmission, orally instead of by writing? We have already established with the comparison of the *mutūn* of traditions ascribed to Ibrāhīm ibn Saʿd that the version of Yūnus derives from the same source as the other two detailed versions of Ibn Ḥanbal → Abū Dāwūd al-Ṭayālisī and Mūsā ibn Ismāʿīl despite the deviating structure and formulations in the *matn*.[108] The comparison of the *mutūn* of the different students of al-Zuhrī confirms this even more. The *matn* of Yūnus including the section dealing with ʿĀṣim's body contains formulations that are specific for the version of Ibrāhīm ibn Saʿd. Al-Ṭabarī's tradition from Ibrāhīm ibn Ismāʿīl lacks these formulations.

The similarities between some formulations in the section dealing with ʿĀṣim's body seem to indicate some degree of interdependency. Did Abū Dāwūd al-Ṭayālisī know the version of Jaʿfar ibn ʿAwn from Ibrāhīm ibn Ismāʿīl or Yūnus ibn Ḥabīb the version of Abū Kurayb

[108] See p. 325.

from Jaʿfar, or are the similarities just a coincidence? The first two options might be possible, because Abū Dāwūd al-Ṭayālisī and Jaʿfar were contemporaries and lived in Kūfa and Baṣra respectively. Nevertheless, the biographical information in the *Tahdhīb* of al-Mizzī does not mention any connection between Abū Dāwūd al-Ṭayālisī and Jaʿfar or Ibrāhīm ibn Ismāʿīl.[109] This does not mean that they never met, because al-Mizzī does not mention for example Ibrāhīm ibn Ismāʿīl as an informant of Jaʿfar, while the two versions of his tradition about the raid of the Hudhayl from his students Ibn Abī Shayba and Abū Kurayb unanimously mention Jaʿfar in the *isnād*.

Conclusion

The conclusion of the *isnād*-analysis was that al-Zuhrī taught the story of the raid of the Hudhayl to several students. Al-Zuhrī's students transmitted the story further and spread it in Yemen and Iraq until it ended up in Egypt and countries as far as Khurāsān, Sijistān and Transoxania. The transmission must have taken place before 124/742 when al-Zuhrī died. The analysis of the *mutūn* confirmed that the four versions of the story about the raid of the Hudhayl discernible in the sources derive from a common source. The common source is al-Zuhrī, since he is the first transmitter all versions mention in their *asānīd*. The *matn*-analysis also confirmed that al-Zuhrī told the tradition to four students who transmitted the story further on. The story about the raid of the Hudhayl as told by al-Zuhrī can therefore be dated to the first quarter of the second Islamic century.

Furthermore, the *matn*-analysis showed that Maʿmar's version differs slightly from the versions of the other three students as well as a similarity between the versions of Ibrāhīm ibn Saʿd and Shuʿayb. The versions of the latter two contain more specific information than Maʿmar's text, such as the more extensive information on al-Zuhrī's informant in the *isnād*, the *nasab* Ibn Asīd ibn Jāriya, the specific mention of the number of people in the scouting party, the exact location of the meeting with the Banū Liḥyān and the *kunya* Abū Sirwaʿa; these data are absent in the version of Maʿmar. The tradition of al-Ṭabarī from Ibrāhīm ibn Ismāʿīl does mention these data except for the additional information in the *isnād*.

[109] On Abū Dāwūd al-Ṭayālisī see al-Mizzī, *Tahdhīb*, III, 272–274 (no. 2491) and on Jaʿfar ibn ʿAwn *Tahdhīb*, I, 468–469 (no. 931).

Maʿmar himself might be responsible for the deviations in his version of al-Zuhrī's tradition. However, another explanation for the similarity between the versions of Ibrāhīm ibn Ismāʿīl, Ibrāhīm ibn Saʿd and Shuʿayb is that al-Zuhrī had edited his tradition on the story about the attack of the Hudhayl and taught them that version. In that case, Maʿmar's version might pre-date theirs and al-Zuhrī himself might be responsible for the differences.

Despite the similarities between the traditions of Ibrāhīm ibn Saʿd, Shuʿayb and Ibrāhīm ibn Ismāʿīl, the tradition of the latter lacks certain parts and some formulations are different. These differences might be caused by his hearing being impaired. The editor of the *Tahdhīb* of al-Mizzī adds in a footnote that Ibn Abī Khaythama says in his *Tārīkh* that Ibrāhīm ibn Ismāʿīl's hearing was impaired to such an extent that he sat next to al-Zuhrī and was only able to hear with great difficulty (*kāna shadīd al-ṣamam wa-kāna yajlisu ilā janb al-Zuhrī fa-lā yakādu yasmaʿu illā baʿda kadd*). Yaḥyā ibn Maʿīn considers him of weak authority; his *ḥadīth* is worthless (*ḍaʿīf laysa bi-shay*ʾ). Abū Ḥātim and al-Bukhārī say that he made many mistakes (*kathīr al-wahm*).[110]

Finally, we will now see whether the completed *isnād-cum-matn* analysis provided answers to the questions raised in the previous subchapters.

1) (*Isnād*-analysis Shuʿayb p. 312) Did the other three students not mention the separate *isnād* before the section dealing with Khubayb or did Shuʿayb add this information to the tradition himself? The three other students do not indeed mention a separate chain of transmitters in any tradition. The conclusion is that Shuʿayb or Abū al-Yamān added this chain to the tradition. However, this does not mean that either one of them invented the chain.

The versions of all four students contain a switch in narrator from the third person to the first person, somewhere in the section dealing with Khubayb. Ibrāhīm ibn Ismāʿīl refers to the daughter of al-Ḥārith in the section dealing with Khubayb and the razor as 'she' and 'her'. The part where she says that she never saw a better prisoner is told in the first person, preceded by *qāla fa-qālat al-mar*ʾ*a* (he said: the woman said). In the version of Ibrāhīm ibn Saʿd the change to the first person in narration occurs earlier, i.e. in the section dealing with the razor. The switch takes place after the information that a little boy of her's walked slowly (*fa-daraja bunayy lahā* ***qālat wa-anā*** *ghāfila*). In

[110] Al-Mizzī, *Tahdhīb*, I, 100–101 (no. 144).

the version of Yūnus ibn Ḥabīb → Abū Dāwūd al-Ṭayālisī → Ibrāhīm ibn Saʿd the switch occurs even earlier, i.e. after the information that the sons of al-Ḥārith bought Khubayb. The words *qālat bint al-Ḥārith* precedes the change. In the version of Maʿmar, the switch takes place at approximately the same moment as in the version of Ibrāhīm ibn Saʿd (*qālat fa-ghafaltu ʿan ṣabiyy lī*).

The switch in narrator may have inspired Shuʿayb to ask al-Zuhrī if he received this part from ʿAmr → Abū Hurayra or via a different way. This may have prompted al-Zuhrī to name a different source for her story. According to bibliographical information, Shuʿayb was a secretary who wrote the dictation for the caliphs from al-Zuhrī.[111] If Shuʿayb was indeed appointed to al-Zuhrī to write down his traditions, it is possible that he asked al-Zuhrī if he received the information from the daughter of al-Ḥārith also via ʿAmr ibn Abī Sufyān → Abū Hurayra. This is just a speculation, because there is no proof for it. The only thing we know for sure is that Shuʿayb or Abū al-Yamān is responsible for the addition of the separate chain of transmitters.

2) (Conclusion *isnād*-analysis pp. 312–313) What is the correct name of al-Zuhrī's informant and who is or are responsible for the different appellations? It is not possible to give an unambiguous answer. We have already established that the correct name is ʿAmr ibn Abī Sufyān ibn Asīd ibn Jāriya al-Thaqafī who was called after his grandfather, i.e. ʿAmr ibn Asīd. This means that the names ʿAmr ibn Abī Sufyān as well as ʿAmr ibn Asīd ibn Jāriya are correct. Al-Zuhrī is probably responsible for both appellations. If he indeed prepared an edited version about the raid of the Hudhayl, it seems that he preferred to include the *nasab* Ibn Asīd in his latest version about the raid of the Hudhayl.

Al-Zuhrī probably mentioned the *ism* ʿAmr, since Maʿmar and Shuʿayb both transmitted this name to their students. Ibrāhīm ibn Ismāʿīl or Jaʿfar ibn ʿAwn was not certain anymore about the correct *ism*, ʿAmr or ʿUmar and expressed his uncertainty in his *isnād*. However, since Ibrāhīm ibn Saʿd probably preferred the name ʿUmar,[112] it is possible that al-Zuhrī sometimes read ʿUmar instead of ʿAmr.

3) (*Matn*-analysis Ibrāhīm ibn Ismāʿīl pp. 316–317) Is the tradition of Ibrāhīm ibn Ismāʿīl from al-Zuhrī or not? The comparison of the

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[111] Al-Mizzī, *Tahdhīb*, III, 396 (no. 2733).
[112] See my argumentation on p. 337.

mutūn of the four students confirmed that the version of Ibrāhīm ibn Ismāʿīl is indeed from al-Zuhrī. Hence, the *isnād* of al-Ṭabarī is faulty and it should contain al-Zuhrī as informant of Ibrāhīm ibn Ismāʿīl. Either al-Ṭabarī, his informant Abū Kurayb or a later transmitter skipped al-Zuhrī's name in the transmission line by mistake, because it is unlikely that Ibrāhīm ibn Ismāʿīl skipped the name of such a famous transmitter as al-Zuhrī or Jaʿfar ibn ʿAwn some times mentioned him and other times forgot to mention him.

4) Finally, the issue of the identification of Khubayb remains unanswered. Most traditions refer to him as Khubayb or Khubayb al-Anṣārī. Three versions, however, add the *nasab* Ibn ʿAdī. These are the versions of Yūnus ibn Ḥabīb → Abū Dāwūd al-Ṭayālisī → Ibrāhīm ibn Saʿd, Manṣūr ibn Abī Muzāḥim → Ibrāhīm ibn Saʿd and ʿAbd al-Razzāq from Maʿmar. The mention of the *nasab* becomes even more important when we read Ibn Sayyid al-Nās' remark at the end of his detailed tradition on the event with the Hudhayl. He says that according to this story (= al-Bukhārī's version from Ibrāhīm ibn Saʿd), this Khubayb [i.e. ibn ʿAdī] killed al-Ḥārith ibn ʿĀmir at the day of Badr. Ibn Sayyid al-Nās remarks that this is however not known among them. The person who killed al-Ḥārith was Khubayb ibn Isāf ibn ʿUtba. Khubayb ibn ʿAdī did not participate at Badr according to the *maghāzī*-authorities.[113]

The question is who is responsible for the inaccurate *nasab*: al-Zuhrī, one or more of his students or perhaps later transmitters? We can exclude al-Zuhrī, because the versions of two other students, Ibrāhīm ibn Ismāʿīl and Shuʿayb, do not mention the *nasab* and only some – not all – versions of the two other students state it. We can exclude Ibrāhīm ibn Saʿd for the same reason. It is also unlikely that Ibrāhīm's student Abū Dāwūd al-Ṭayālisī and Maʿmar are responsible for the mistake, because we have variant versions from both of them that do not mention the *nasab*.[114] Yūnus ibn Ḥabīb, Manṣūr ibn Abī Muzāḥim or later transmitters from them, and ʿAbd al-Razzāq, whose versions all contain the *nasab*, probably added the inaccurate *nasab* to the story.

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[113] *Kadhā ruwiyanā fī hādhā al-khabar min ṭarīq al-Bukhārī fī jāmiʿihi wa-fīhi anna Khubayban hādhā qatala al-Ḥārith ibn ʿĀmir yawm Badr, wa-laysa dhālika ʿindahum bi-maʿrūf, wa-innamā alladhī qatala al-Ḥārith ibn ʿĀmir Khubayb ibn Isāf ibn ʿUtba ibn ʿAmr ibn Khadīj ibn ʿĀmir ibn Jusham ibn al-Ḥārith ibn al-Khazraj wa-Khubayb ibn ʿAdī lam yashhad Badran ʿinda aḥad min arbāb al-maghāzī.*

[114] See pp. 325, 335 and 344.

Since the earliest transmitter of them, ʿAbd al-Razzāq, died in 211/826, the name Khubayb ibn ʿAdī was connected with the Khubayb who was captured during the attack of the Hudhayl, already from the beginning of the third Islamic century. We will see in the following comparison of the Zuhrī-traditions with similar ones not circulated by him that the name Khubayb ibn ʿAdī was connected with the Hudhayl story already before 150/767, because the *nasab* Ibn ʿAdī appears in all versions of the famous transmitter Ibn Isḥāq (d. 150/767), who died in that year, which provides us with a *terminus ante quem*.

The results of the *isnād-cum-matn* analysis corroborate Juynboll's conclusion referred to in the introduction of this article that al-Zuhrī "is doubtless the chronicler of this *khabar*". His tentative conclusion about the lower part of the *isnād* below al-Zuhrī can partly be refuted. Al-Zuhrī – not a later transmitter – is responsible for the lower part of the *isnād*, although his claim that he got the tradition from ʿAmr ibn Abī Sufyān can not be substantiated as the following part will show.

V. Comparison of the Zuhrī-traditions with Other Versions

We established by means of the *isnād-cum-matn* analysis that al-Zuhrī transmitted a tradition about the raid of the Hudhayl. The story of al-Zuhrī will be compared in this part with similar ones not circulated by him in order to determine whether his material goes back to even earlier sources and to what degree his transmission varies from others. These traditions are from Ibn Isḥāq (d. 150/767), Ibn Saʿd (d. 230/845) and Mūsā ibn ʿUqba (d. 141/758).

Comparison with Ibn Isḥāq's Version

There are at least two other traditions about the raid of the Hudhayl transmitted by others than al-Zuhrī according to the *isnād*. Muḥammad ibn Isḥāq transmitted both a detailed tradition from the Medinan scholar ʿĀṣim ibn ʿUmar ibn Qatāda (d. 119/120 or 126, 127, 129 A.H.)[115] and a short tradition about Khubayb from the Meccan *mawlā* ʿAbd Allāh ibn Abī Najīḥ (d. 131/132 A.H.)[116] from Māwiyya, the *mawlāh*

[115] ʿĀṣim ibn ʿUmar ibn Qatāda was an expert in the field of the biography and the *maghāzī* of the prophet Muḥammad. Ibn Saʿd calls him a reliable transmitter who knew many traditions. Al-Mizzī, *Tahdhīb*, IV, 17 (no. 3007).

[116] Ibn Saʿd considers him also a reliable transmitter who knew many traditions. Al-Mizzī, *Tahdhīb*, IV, 304 (no. 3600).

of Ḥujayr ibn Abī Īhāb. Ibn Isḥāq's tradition from ʿĀṣim ibn ʿUmar is preserved in several collections from the 3rd–9th Islamic century. ʿAbd Allāh ibn Idrīs (d. 192/808), Bakr ibn Sulaymān (n.d.), Jarīr ibn Ḥāzim (d. 170/786–787), Muḥammad ibn Salama (d. 191/807), Salama ibn al-Faḍl (d. 191/807), Yūnus ibn Bukayr (d. 199/814–815) and Ziyād ibn al-Bakkāʾī (d. 183/799) all transmitted (a part of) this tradition.[117] The following story is based on the detailed traditions of Ibn Hishām → al-Bakkāʾī and al-Ṭabarī → Ibn Ḥumayd → Salama.[118]

> A group of men from ʿAḍal and al-Qāra came to Muḥammad and asked him to send some companions to instruct them on Islam. Muḥammad sent six persons, Marthad ibn Abī Marthad, Khālid ibn al-Bukayr, ʿĀṣim ibn Thābit, Khubayb ibn ʿAdī,[119] Zayd ibn al-Dathinna and ʿAbd Allāh ibn Ṭāriq. Muḥammad appointed Marthad ibn Abī Marthad as the leader of the group. They were betrayed when they reached al-Rajīʿ, a watering place of the Hudhayl in the district of the Ḥijāz in the upper part of al-Hadʾa. Men of the Hudhayl with swords in their hands surrounded them. They said that they did not want to kill the Muslims, but to get something for them from the people of Mecca. Marthad, Khālid and ʿĀṣim said that they would never accept a pledge from a polytheist.

Ibn Hishām includes at this point some lines of poetry from ʿĀṣim.

> They fought until they were killed. When ʿĀṣim was killed, the Hudhayl wanted to take his head to sell it to Sulāfa bint Saʿd ibn

[117] Ibn Saʿd has a short tradition from ʿAbd Allāh ibn Idrīs, *al-Ṭabaqāt*, II, 56 ((*bab*) *Sariyyat* Marthad ibn Abī Marthad). Khalīfa ibn Khayyāṭ combined the traditions of Bakr ibn Sulaymān and Jarīr ibn Ḥāzim in one medium-length account, *Taʾrīkh*, 32 (*Sanat thalāth – wa-fīhā amr al-Rajīʿ*). Al-Ṭabarānī mentions a short tradition from Muḥammad ibn Salama, *al-Muʿjam al-kabīr*, XX, 327–328 (no. 775) (*Man ismuhu* Marthad – Marthad ibn Abī Marthad [...]). Al-Ṭabarī preserves a detailed tradition from Salama ibn al-Faḍl, *Taʾrīkh*, III, 1431–1434 (*Dhikr al-aḥādīth allatī kānat fī sanat arbaʿ min al-hijra*). Al-Naysābūrī has a medium-length tradition from Yūnus ibn Bukayr, *al-Mustadrak ʿalā al-Ṣaḥīḥayn*, III, Beirut, 1990–1995, 245 (no. 577/4979) (*Dhikr manāqib* Marthad ibn Abī Marthad al-Ghanawī). Ibn Hishām mentions a detailed tradition from Ziyād al-Bakkāʾī, *Sīra*, I, 638–641 (*Qiṣṣat yawm al-Rajīʿ fī sanat thalāth*).

[118] I used the translations of Guillaume and McDonald & Watt to compose the story. It is not a translation of the traditions, but it contains the main details. Guillaume, *The Life*, 426–433. W.M. Watt & M.V. McDonald, *The History of al-Ṭabarī: The Foundation of the Community*, VII, Albany, NY, 1987, 143–145.

[119] All traditions that mention Khubayb include the *nasab* Ibn ʿAdī.

> Shuhayd, because ʿĀṣim had killed her two sons at Uḥud, but bees protected him. God also sent a flood in the *wādī* that carried ʿĀṣim away. ʿĀṣim had sworn that no polytheist would ever touch him, and that he would never touch a polytheist in his life, so God protected him after his death.

Al-Ṭabarī relates the section dealing with the body of ʿĀṣim at the end of his tradition.

> The remaining three persons, Zayd, Khubayb and ʿAbd Allāh, surrendered and were taken to Mecca to be sold there. ʿAbd Allāh ibn Ṭāriq broke loose from his bonds at al-Ẓahrān and drew his sword. The men did not fight him, but stoned him until they killed him. Ḥujayr ibn Abī Īhāb, an ally of the Banū Nawfal and brother of al-Ḥārith ibn ʿĀmir by the same mother, bought Khubayb on behalf of ʿUqba ibn al-Ḥārith to kill him in revenge for his father. Ṣafwān ibn Umayya bought Zayd to kill him in revenge for his father Umayya ibn Khalaf.

The story of al-Ṭabarī from Ibn Isḥāq stops at this point. Al-Ṭabarī relates the story about Zayd later on in a separate tradition from Ibn Ḥumayd → Salama → Ibn Isḥāq without a reference to Ibn Isḥāq's informant ʿĀṣim ibn ʿUmar.[120]

> He sent Zayd with a freedman called Nisṭās to al-Tanʿīm and they brought him out of the *Ḥaram* to kill him. Abū Sufyān, one of the leaders of Quraysh, asked Zayd if he wished that Muḥammad would be here in his place and he would be at home with his family. Zayd replied that he does not want Muḥammad to be hurt by even a thorn. Then Nisṭās killed him.

Ibn Hishām relates first the story from Khubayb eating grapes, which he received from ʿAbd Allāh ibn Abī Najīḥ instead of ʿĀṣim ibn ʿUmar. I will return to this tradition later on. The following part is a combined story from ʿĀṣim ibn ʿUmar and ʿAbd Allāh ibn Abī Najīḥ.

> Māwiyya said that when the time for the execution had come Khubayb asked her to send him a razor to cleanse himself before he died. She ordered a boy from the clan to bring the razor to

[120] Al-Ṭabarī, *Tārīkh*, III, 1437 (*Dhikr al-aḥādīth allatī kānat fī sanat arbaʿ min al-hijra*).

> Khubayb. She almost immediately realized the danger for the boy, but Khubayb just took the razor from the boy and let him go. He cried out to the boy that his mother was apparently not afraid of his treachery.

The following part is from ʿĀṣim ibn ʿUmar alone.

> They took Khubayb to al-Tanʿīm to crucify him. He asked them to allow him to perform a short prayer consisting of some cycles. After a short prayer consisting of two cycles he said that he would have performed more were it not that they would think that he delayed out of fear of death. Khubayb established the custom of performing a short prayer consisting of two cycles at death. Then they tied him to the cross. Khubayb asked God to tell His messenger what has been done to him and his companions, because they had delivered the message of His apostle. Then he said, 'Oh God, register them by number and kill them one by one, let none of them escape.' Then they killed him.

Ibn Hishām ends with a tradition of Muʿāwiya ibn Abī Sufyān.

> He tells that he attended the killing of Khubayb. His father threw him to the ground out of fear of Khubayb's curse.

A. There are many differences between the version of Ibn Isḥāq and al-Zuhrī.

- Ibn Isḥāq: Muḥammad sent the party after a request of the ʿAḍal and al-Qāra to instruct them on Islam. Al-Zuhrī: The group was a scouting party.
- Ibn Isḥāq: The group consisted of six persons. Al-Zuhrī: The group consisted of ten persons.
- Ibn Isḥāq: Marthad ibn Abī Marthad was the leader of the group. Al-Zuhrī: ʿĀṣim ibn Thābit was the leader.
- Ibn Isḥāq: They were betrayed to the Hudhayl. Al-Zuhrī specifies that they were from the Banū Liḥyān.
- Ibn Isḥāq does not mention how the Hudhayl found them. Al-Zuhrī: The Hudhayl found date-stones from Medina in an abandoned resting-place.
- Ibn Isḥāq: The party was surrounded unexpectedly. Al-Zuhrī: The party noticed them and fled to an elevated place where they were surrounded.

- Ibn Isḥāq: The Hudhayl had swords. Al-Zuhrī: The Hudhayl had bows.
- Ibn Isḥāq: Marthad, Khālid and ʿĀṣim said that they would not accept a pledge from a polytheist. Al-Zuhrī: ʿĀṣim alone said that he would not enter the protection of an unbeliever.
- Ibn Isḥāq: The Hudhayl killed three persons during the fight. Al-Zuhrī: The Hudhayl killed seven persons.
- Ibn Isḥāq: The reason why the Quraysh wanted the body of ʿĀṣim was that ʿĀṣim had killed two sons (al-Ṭabarī: one son) of Sulāfa at Uḥud. Al-Zuhrī: The reason was that ʿĀṣim had killed one of the esteemed members of the Quraysh at Badr.
- Ibn Isḥāq: The Quraysh wanted the head of ʿĀṣim, so Sulāfa could drink wine from his skull. Al-Zuhrī: The Quraysh wanted something of ʿĀṣim's body by which they could recognize him.
- Ibn Isḥāq: The flood carried ʿĀṣim's body away, because God protected ʿĀṣim after his death because of ʿĀṣim's vow. Al-Zuhrī does not mention this.
- Ibn Isḥāq: The third person of the group that remained alive after the fight, broke free, got his sword and was stoned without a fight. Al-Zuhrī: The third person refused to follow them, because he was bound, which he saw as a betrayal of the safeguard. They killed him because of his refusal.
- Ibn Isḥāq: The woman sent a young boy with a razor to Khubayb. Al-Zuhrī: When the woman did not pay attention to the young boy, he walked to Khubayb, who had the razor in his hand.
- Ibn Isḥāq: Khubayb said to the boy 'Your mother was not afraid of my treachery when she sent you to me with this razor'. Al-Zuhrī: Khubayb said to the woman 'Are you afraid that I will kill him? I would not do such a thing'.
- Ibn Isḥāq: They bound Khubayb first to a cross and then killed him. Al-Zuhrī: They killed Khubayb.
- Ibn Isḥāq: Khubayb asked God to inform His prophet regarding their matter. Al-Zuhrī: ʿĀṣim asked God to inform His prophet.
- Ibn Isḥāq does not mention who killed Khubayb, but he transmits later in a separate tradition that ʿUqba ibn al-Ḥārith has been involved in the killing. Al-Zuhrī: ʿUqba ibn al-Ḥārith killed Khubayb.

B. The version of Ibn Isḥāq contains more details than the version of al-Zuhrī:

- Ibn Isḥāq names all six members of the party. Al-Zuhrī names only three persons of the ten.

- Ibn Isḥāq: The location of the betrayal is al-Rajīʿ a watering-place of Hudhayl in a district of the Ḥijāz at the upper part of al-Hadʾa. Al-Zuhrī: The location is at al-Hadda/al-Hadāʾa/al-Hadʾa somewhere between ʿUsfān and Mecca.
- Ibn Isḥāq: Sulāfa bint Saʿd ibn Shuhayd wanted the head of ʿĀṣim. Al-Zuhrī only mentions Quraysh.
- Ibn Isḥāq: ʿAbd Allāh ibn Ṭāriq is the third person who surrendered with Khubayb and Zayd. Al-Zuhrī gives no name.
- Ibn Isḥāq: ʿAbd Allāh escaped in al-Ẓahrān and was killed by means of stones. Al-Zuhrī: The third person was killed at the same location where they were taken prisoner.
- Ibn Isḥāq: Ḥujayr ibn Abī Īhāb al-Tamīmī, an ally of the Banū Nawfal bought Khubayb for ʿUqba ibn al-Ḥārith ibn ʿĀmir ibn Nawfal, Abū Īhāb being the brother of al-Ḥārith ibn ʿĀmir by the same mother. Al-Zuhrī: The sons of al-Ḥārith ibn ʿĀmir bought Khubayb.
- Ibn Isḥāq tells who bought Zayd and what happened to him. Al-Zuhrī does not relate this.
- Ibn Isḥāq: The woman who tells the story about Khubayb is Māwiyya, the *mawlāh* of Ḥujayr. Al-Zuhrī: The woman is the daughter of al-Ḥārith.
- Ibn Isḥāq: They took Khubayb to al-Tanʿīm to kill him. Al-Zuhrī: They took Khubayb outside the sacred area of Mecca.

C. However, the stories of Ibn Isḥāq and al-Zuhrī contain also similarities: Muḥammad sends a group of men among whom are ʿĀṣim, Khubayb and Zayd. The group is betrayed to Hudhayl at the location al-Hadʾa (or al-Hadda). The Hudhayl follow them. When the two parties meet, the Hudhayl promise that they will not kill anyone if they surrender. They start to fight and only three persons remain of the group from Muḥammad among whom are Khubayb and Zayd. The third person is killed later on. Quraysh looked for ʿĀṣim's body but bees protected him. Khubayb and Zayd were brought to Mecca. The sons of al-Ḥārith are involved in the purchase of Khubayb, because he had killed al-Ḥārith at Badr. Khubayb wanted a razor before his execution. He did not harm the young boy when he had the razor in his possession. They took Khubayb outside Mecca to kill him. Khubayb asked them allowance to perform a short prayer consisting of some cycles which they agreed to. He performed only a short prayer consisting of two cycles and said that he would have done more, but he did not want them to think he was afraid to die. Khubayb said 'Oh God, count them one by one and kill them one by one. One of the members

of the party of Muḥammad asked God to inform His prophet regarding their matter.

The lines of poetry of Khubayb (Being killed as a Muslim, I care not how my death comes, since it is in God's cause. For that is God's prerogative; and if He wishes He will give His blessings to severed limbs) are not part of the story of Ibn Isḥāq from ʿĀṣim ibn ʿUmar, but Ibn Hishām mentions them similarly later on in the chapter on the raid of the Hudhayl as part of a larger poem. Ibn Hishām gives no other source for the poem than Ibn Isḥāq.[121]

Although the main outline and some details of the story of Ibn Isḥāq are similar to the version of al-Zuhrī, it contains different formulations even in the comparable parts.

Ibn Isḥāq	**al-Zuhrī**[122]
– *fa-baʿatha rasūl Allāh (ṣ) nafaran*	*baʿatha rasūl Allāh ʿasharat rahṭ (sariyya) ʿaynan*
– *ghadarū bihim*	*dhukirū li-ḥayy min Hudhayl*
– *wa-lakum ʿahd Allāh wa-mīthāquhu an lā naqtulakum*	*wa-lakum al-ʿahd wa-l-mīthāq an lā naqtula minkum aḥadan*
– *wa-llāhi lā naqbalu min mushrik ʿahdan wa-lā ʿaqdan abadan*	*ammā anā fa-(wa-llāhi) lā anzilu fī dhimmat kāfir*
– *fa-manaʿathu al-dabr*	*fa-baʿatha Allāh mithl al-ẓulla min al-dabr faḥamathu min rusulihim*
– *qāla lī ḥīna ḥaḍarahu al-qatl ibʿathī ilayya bi-ḥadīda*[123] *ataṭahharu bihā li-l-qatl*	*ḥattā ajmaʿū qatlahu fa-stiʿāra min baʿḍa banāt al-Ḥārith mūsā yastaḥiddu bihā li-l-qatl*
– *ammā wa-llāhi law-lā an taẓunnū annanī innamā ṭawwaltu jazaʿan min al-qatl la-stakthartu min al-ṣalāh*	*wa-llāhi law-lā an taḥsibū an mā bī jazaʿan min al-qatl la-zidtu*

[121] Ibn Hishām, *Sīra*, I, 643–644. *Wa-dhālika fī dhāt al-ilāh wa-in yashāʾ yubārik ʿalā awṣāl shilw mumazziʿ*. […] *Wa-wa-llāhi mā arjū idhā muttu musliman ʿalā ayy janb kāna li-llāh maḍjaʿī* [*sic*]. The word *maḍjaʿī* seems to be a copyist's mistake or a mistake in the edition and is probably *maṣraʿī*.

[122] The formulations are from the tradition of Ibn Ḥanbal → Abū Dāwūd al-Ṭayālisī → Ibrāhīm ibn Saʿd. The versions of the other students of al-Zuhrī have similar formulations, especially regarding the keywords.

[123] The word *mūsā* appears once in the text of Ibn Hishām from Ibn Isḥāq in the next sentence: *fa-aʿṭaytu ghulāman min al-ḥayy al-mūsā*. Later on the word *al-ḥadīda* is used again, *fa-lammā nāwalahu al-ḥadīda akhadhahā min yadihi thumma qāla la-ʿamruka mā khāfat ummuka ghadrī ḥīna baʿathatka bi-hādhihi al-ḥadīda ilayya*. Ibn Hishām, *Sīra*, I, 641.

The only sentences that are (almost) identical are:

– *Allāhummā aḥṣihim ʿadadan wa-qtulhum badadan*
– *fa-kāna Khubayb awwal man sanna hātayn al-rakʿatayn ʿinda al-qatl*

We will first discuss the other tradition of Ibn Isḥāq, the short story about Khubayb, before we draw a conclusion on the origin of Ibn Isḥāq's story. Ibn Isḥāq received the short tradition from ʿAbd Allāh ibn Abī Najīḥ, who got it from Māwiyya, the *mawlāh* of Ḥujayr. It is preserved in the version of al-Bakkāʾī in the *Sīra* of Ibn Hishām and in the version of Yūnus ibn Bukayr in *Usd al-ghāba* of Ibn al-Athīr.[124] Māwiyya (or Māriya according to Ibn al-Athīr) says in the tradition:

> Khubayb was imprisoned in my house in Mecca. I overtook Khubayb one day while he was eating from a bunch of grapes that was as big as the head of a man (Ibn al-Athīr: that was bigger than his head) in his hand. I did not know that there were grapes on earth [at that time] that could be eaten (Ibn al-Athīr: there were no [edible] grapes at that time on earth).[125]

Al-Zuhrī also relates that the daughter of al-Ḥārith found Khubayb one day with a bunch of grapes in his hand, while there was no fruit in Mecca at that time. His version contains the additional information that Khubayb was still in irons and that she used to say that it was food God gave to Khubayb. The version of al-Zuhrī does not mention that Khubayb was imprisoned in her house. The formulations of both versions are similar, but not identical.

Conclusion

The similarity in the content of the traditions from Ibn Isḥāq and al-Zuhrī seems to indicate a common source. The fact that Ibn Isḥāq was a student of al-Zuhrī makes it even more likely that Ibn Isḥāq got the tradition from al-Zuhrī. If we use the same dating method as we did on the traditions of al-Zuhrī, the detailed story of Ibn Isḥāq would date from the second quarter of the second Islamic century, because the common link, Ibn Isḥāq, died in 150/767.

If we assume that Ibn Isḥāq's tradition is from al-Zuhrī, then why did he not mention him as his source instead of ʿĀṣim ibn ʿUmar ibn

[124] Ibn Hishām, *Sīra*, I, 640. Ibn al-Athīr, *Usd al-ghāba*, V, Teheran n.d., 544 (Māriya).
[125] Guillaume, *The Life of Muhammad*, 428.

Qatāda (d. 119/120 or 126, 127, 129 A.H.), a contemporary of al-Zuhrī and Medinan scholar likewise? We noticed in the comparison of the traditions of al-Zuhrī's students that their versions were similar in content and wording. They all mentioned for example a party of ten persons and only gave the names of three persons. If Ibn Isḥāq received this tradition from al-Zuhrī, we would expect that his version would be similar to that of the other students and not as deviating as appeared from the comparison, especially since al-Zuhrī transmitted his text based on a written (or in earlier times probably partly written) text. Therefore, it seems more probable that Ibn Isḥāq did not hear the tradition regarding the raid of the Hudhayl from al-Zuhrī but from another person, who could well be ʿĀṣim ibn ʿUmar as the *asānīd* mention. This would mean that there existed two different versions of the raid of the Hudhayl in the first quarter of the second Islamic century.

We do not know how ʿĀṣim ibn ʿUmar (assuming that he is indeed Ibn Isḥāq's informant) got his information, since the *isnād* ends with his name. It is very unlikely that al-Zuhrī and ʿĀṣim heard the story from the same person, since their stories on what happened during the raid of the Hudhayl differ too much even if we assume that al-Zuhrī and ʿĀṣim ibn ʿUmar received the story by means of oral transmission. However, the similarities between the two versions of al-Zuhrī and Ibn Isḥāq/ʿĀṣim ibn ʿUmar indicate that there must have been a common source at some point in time, either a person or the actual happening of the event.

Since it seems very likely that Ibn Isḥāq received the detailed story about the raid of the Hudhayl from a person other than al-Zuhrī, probably ʿĀṣim ibn ʿUmar, we perhaps can also assume that he indeed received the short tradition about Khubayb from ʿAbd Allāh ibn Abī Najīḥ. If Ibn Isḥāq invented the story (for which we seem to have no reason to believe), why would he mention a different person as his informant for the section dealing with Khubayb? Ibn Isḥāq even mentions that he heard the section dealing with the killing of Khubayb from ʿĀṣim ibn ʿUmar as well as ʿAbd Allāh ibn Abī Najīḥ. Why take the trouble of mentioning two persons, when one famous transmitter would have been enough?

The content and formulation of the short tradition from Ibn Isḥāq on Khubayb eating grapes are comparatively much more similar to the version of al-Zuhrī than the detailed story about the raid of the

Hudhayl. It seems possible that the two traditions derive from the same source, although al-Zuhrī says that she is the daughter of al-Ḥārith and Ibn Isḥāq Māwiyya (or Māriya), the *mawlāh* of Ḥujayr. The story of al-Zuhrī displays a change in narrator in the versions of all students. The version of Shuʿayb even has a separate *isnād* for this part. Therefore, it seems very likely that the section dealing with Khubayb eating grapes (and maybe even other parts on Khubayb) derives from the same female source.

If the same woman originally related the story of Khubayb's imprisonment then Ibn Isḥāq's reference to a *mawlāh* of Ḥujayr, the half-brother of al-Ḥārith ibn ʿĀmir, is perhaps more authentic, because the construction is more complicated than al-Zuhrī's version of the daughter of al-Ḥārith. In that case, al-Zuhrī or one of the transmitters before him had identified the woman as the daughter of al-Ḥārith.

It is remarkable though, that the lower part of Ibn Isḥāq's *isnād* in the tradition about Khubayb's imprisonment as well as the additional *isnād* in Shuʿayb's version is of Meccan origin. Ibn Isḥāq's informant ʿAbd Allāh ibn Abī Najīḥ (d. 131/748–749) lived in Mecca, as did ʿUbayd Allāh ibn ʿIyāḍ (Successor from the 3rd *ṭabaqa*).[126] This might indicate that the stories on Khubayb's imprisonment were originally family traditions of the al-Ḥārith clan based on the story of a woman. The traditions probably developed in the course of time due to oral transmission.

Comparison with the Versions of Ibn Saʿd and Mūsā ibn ʿUqba

The last two issues to deal with are the traditions of Ibn Saʿd (L11) and Mūsā ibn ʿUqba. We will start with the origin of the tradition of Ibn Saʿd (L11) in his *al-Ṭabaqāt al-kubrā*.[127] I have mentioned previously that Ibn Saʿd gives two different *asānīd* at the beginning of the tradition, ʿAbd Allāh ibn Idrīs al-Awdī → Muḥammad ibn Isḥāq → ʿĀṣim ibn ʿUmar ibn Qatāda ibn al-Nuʿmān al-Ẓafarī *and* Maʿn ibn ʿĪsā al-Ashjaʿī → Ibrāhīm ibn Saʿd → Ibn Shihāb → ʿUmar ibn Asīd ibn al-ʿAlāʾ ibn Jāriya.[128] The tentative conclusion was that the Ibn Saʿd's *matn* is probably the *matn* of ʿAbd Allāh ibn Idrīs from Ibn Isḥāq.

[126] Al-Mizzī, *Tahdhīb*, IV, 304 (no. 3600) and Ibn Ḥajar, *Tahdhīb al-tahdhīb*, VII, Beirut 1968, 43 (no. 75) respectively.
[127] Ibn Saʿd, *al-Ṭabaqāt*, II, 55–56 (*Sariyyat* Marthad ibn Abī Marthad).
[128] See p. 336.

Comparison of the tradition of Ibn Saʿd with the version of Ibn Isḥāq from Ibn Hishām and al-Ṭabarī confirms that the main part of the tradition is indeed from Ibn Isḥāq.

However, there are some differences:

- Ibn Saʿd mentions that the group Muḥammad sent consisted of **ten** persons, but he only gives the names of **seven** persons. They are the same six names as Ibn Isḥāq gives plus Muʿattab ibn ʿUbayd, the brother of ʿAbd Allāh ibn Ṭāriq from his mother's side.
- Ibn Saʿd says that Muḥammad appoints ʿĀṣim ibn Thābit as their leader, but also mentions that someone said Marthad ibn Abī Marthad.
- Ibn Saʿd adds the information that al-Hada [*sic*] lies seven miles from al-Rajīʿ and ʿUsfān. No version of Ibn Isḥāq mentions the place ʿUsfān.
- Ibn Saʿd says that the group was betrayed to the Hudhayl (= formulation Ibn Isḥāq) and the Banū Liḥyān went to them (= version al-Zuhrī).
- Ibn Saʿd mentions four persons who did not accept a pledge from a polytheist, the same three names Ibn Isḥāq gives plus Muʿattab ibn ʿUbayd.

It appears that the tradition of Ibn Saʿd is a mixture of both versions. He mainly followed the plot from the story of Ibn Isḥāq and added information from al-Zuhrī's version. The inclusion of the name of the seventh participant is a peculiarity of Ibn Saʿd's tradition. Either Ibn Saʿd himself or ʿAbd Allāh ibn Idrīs is responsible for this addition.

Al-Bayhaqī's *Dalāʾil* contains four traditions from Mūsā ibn ʿUqba about the raid of the Hudhayl: one medium-length, one short and two combined traditions from Mūsā and ʿUrwa ibn al-Zubayr (d. 94/712).[129] Al-Bayhaqī received Mūsā's version from Abū al-Ḥusayn ibn al-Qaṭṭān (d. 415/1024)[130] → Abū Bakr ibn ʿAttāb (d. 344/955)[131] → al-Qāsim ibn

[129] Al-Bayhaqī, *Dalāʾil al-nubuwwa wa-maʿrifat aḥwāl ṣāḥib al-sharīʿa*, III, Beirut 1429/2008, 326–327. Since Mūsā ibn ʿUqba's tradition in *al-Maghāzī* is almost identical to al-Bayhaqī's traditions I will only refer to the *Dalāʾil*. Mūsā ibn ʿUqba, *al-Maghāzī*, Agadir 1994, 201–205.

[130] He is Muḥammad ibn al-Ḥusayn ibn Muḥammad ibn al-Faḍl al-Qaṭṭān from Baghdad. Al-Khaṭīb al-Baghdādī, *Taʾrīkh Baghdād aw madīnat al-salām*, II, Beirut 1417/1997, 246 (no. 718).

[131] He is Muḥammad ibn ʿAbd Allāh ibn Aḥmad ibn ʿAttāb al-ʿAbdī. Al-Baghdādī, *Taʾrīkh*, III, 71–72 (no. 1059).

ʿAbd Allāh ibn al-Mughīra (d. 275/888–889) → Ibn Abī Uways (d. 226/841 or 227/842)[132] → Ismāʿīl ibn Ibrāhīm ibn ʿUqba (d. between 158–169/775–785)[133] → Mūsā, while ʿUrwa's tradition is from Abū Jaʿfar al-Baghdādī (d. 346/958)[134] → Muḥammad ibn ʿAmr ibn Khālid (s.d.) → his father (d. 229/843–844) → Ibn Lahīʿa (d. 174/790–1)[135] → Abū al-Aswad (d. 131/748)[136] → ʿUrwa.[137] The *asānīd* do not mention any informant of Mūsā, but the *isnād* of Mūsā's short tradition in al-ʿAskarī's *Kitāb al-Awāʾil* goes back to al-Zuhrī.[138] When we compare al-Bayhaqī's traditions from Mūsā with the traditions we have already discussed it appears that Mūsā's medium-length tradition looks like the story of Ibn Isḥāq mixed with other, new elements. The content of Mūsā's short tradition, which relates the part about Muḥammad informing his companions about Khubayb's death on the same day, is similar to al-Zuhrī's element 41, but the formulation is different. The combined traditions from Mūsā and ʿUrwa seem to be a composition of Ibn Isḥāq's story and new formulations. Although al-Bayhaqī does not give a complete detailed tradition of Mūsā and ʿUrwa, he remarks that it is similar to the story of Abū Hurayra [i.e. al-Zuhrī's versions] with additions and omissions, which he cites thereupon.[139] In the combined, medium-length tradition from Mūsā and ʿUrwa only two words (*baʿatha* and *ʿaynan*) are identical with al-Zuhrī's version besides the names of ʿĀṣim ibn Thābit, Khubayb and Zayd ibn al-Dathinna.

The late collector al-Ṣāliḥī al-Shāmī (d. 942/1342) cites in his comparison of several versions of the story about the raid of the Hudhayl,

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[132] His name is Ismāʿīl ibn ʿAbd Allāh ibn ʿAbd Allāh ibn Uways. Al-Mizzī, *Tahdhīb*, I, 239–240 (no. 452).

[133] Mūsā ibn ʿUqba is his uncle. Ismāʿīl died during the reign of al-Mahdī (r. 158–169/775–785). Al-Mizzī, *Tahdhīb*, I, 215 (no. 408).

[134] He is Muḥammad ibn Muḥammad ibn ʿAbd Allāh. Ibn ʿAsākir, *Taʾrīkh madīnat Dimashq*, LV, Beirut, 1415–1421/1995–2000, 177–178 (no. 6946).

[135] He is the Egyptian scholar ʿAbd Allāh ibn Lahīʿa. Al-Mizzī, *Tahdhīb*, IV, 252–256 (no. 3501).

[136] His name is Muḥammad ibn ʿAbd al-Raḥmān ibn Nawfal. He was the foster-child of ʿUrwa ibn al-Zubayr. Al-Mizzī, *Tahdhīb*, VI, 408 (no. 6002).

[137] A. Görke and G. Schoeler noticed during their research on the corpus of ʿUrwa ibn al-Zubayr that Abū l-Aswad's traditions from ʿUrwa are very close to the traditions from Mūsā ibn ʿUqba. See their article on "Reconstructing the Earliest *Sīra* Texts: The Hijra in the Corpus of ʿUrwa ibn al-Zubayr," in *Der Islam* 82 (2005), 214.

[138] Al-ʿAskarī, *Kitāb al-Awāʾil*, Medina, 1385/[1966], 168–169. Al-ʿAskarī combined a tradition from Mūsā with the version of another person whom he did not mention in the *isnād*. Therefore, I only used al-Bayhaqī's traditions from Mūsā (and ʿUrwa).

[139] *Fa-dhakara qiṣṣa man qutila minhum wa-man usira thumma qīla bi-naḥwa mimmā rawaynā fīhi ḥadīth Abī Hurayra yazīdāni wa-yanquṣāni*. Al-Bayhaqī, *Dalāʾil*, III, 326.

a few sentences from al-Bayhaqī's tradition of Mūsā ibn ʿUqba and ʿUrwa ibn al-Zubayr. One sentence is especially interesting, because it gives the number of participants of the group Muḥammad sent and the reason for the mission: Muḥammad sent ten [persons] (= version al-Zuhrī) as scouts to Mecca to bring him information on Quraysh (…*anna rasūl Allāh (ṣ) baʿatha ʿashara ʿuyūnan ilā Makka li-yuʾtawhu bi-khabar Quraysh*).[140] Al-Wāqidī mentions the same sentence from ʿUrwa ibn al-Zubayr alone; it is possible therefore that this part is from transmissions ascribed to ʿUrwa ibn al-Zubayr.[141] Furthermore, Mūsā ibn ʿUqba mentioned the name Muʿattab ibn ʿUbayd as one of Muḥammad's scouting party according to the late collector Ibn Sayyid al-Nās (d. 734/1334).[142] So far, only the tradition of Ibn Saʿd mentions Muʿattab. Al-Wāqidī (d. 207/823) also mentions him in his tradition about the raid of the Hudhayl, which he composed out of several accounts.[143]

Other parts of Mūsā's tradition that the version of al-Zuhrī and Ibn Isḥāq do not mention are the sentence *(ʿaynan) ilā Makka yatakhabbarūna khabar Quraysh fa-salakū al-Najdiyya*.[144] When the Quraysh raised Khubayb on the wood, they asked him if he would not wish that Muḥammad were in his place. Khubayb replied that he did not even want Muḥammad to redeem him by a thorn hurting him in his feet. The Quraysh scorned him. Ibn Isḥāq relates similar (not identical) words from Zayd. Finally, Mūsā ibn ʿUqba relates that Muḥammad said "Peace be with you, Khubayb" on the day Khubayb and Zayd were killed. Mūsā adds that they shot Zayd with arrows and wanted to turn him away from the right way (i.e. from Islam), but they only increased his belief and perseverance. Mūsā ibn ʿUqba starts these two parts with the words 'they claim' (*wa-zaʿamū*). The traditions of Ibrāhīm ibn Saʿd and Shuʿayb relate similarly that Muḥammad

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[140] Al-Ṣāliḥī al-Shāmī, *Subul al-hudā wa-l-rashād fī sīrat khayr al-ʿibād*, VI, Beirut 1414/[1993–1994], 39.

[141] *Ḥaddathanī Mūsā ibn Yaʿqūb ʿan Abī al-Aswad ʿan ʿUrwa qāla: baʿatha rasūl Allāh (ṣ) aṣḥāb al-Rajīʿ ʿuyūnan ilā Makka li-yukhbirūhu khabar Quraysh fa-salakū ʿalā al-Najdiyya ḥattā kānū bi-l-Rajīʿ fa-ʿtaraḍa lahum Banū Liḥyān*. Al-Wāqidī, *Kitāb al-Maghāzī*, 354 (*Ghazwat al-Rajīʿ fī Ṣafar ʿalā raʾs sitta wa-thalāthīn shahran*).

[142] *Wa-dhakara Ibn ʿUqba ayḍan Muʿattab ibn ʿUbayd fīhim*. Ibn Sayyid al-Nās, *ʿUyūn*, II, 14. The editor of the *Maghāzī* of Mūsā ibn ʿUqba added the name Muʿattab ibn ʿUbayd between brackets, because it is an addition from Ibn Sayyid al-Nās.

[143] Al-Wāqidī, *Kitāb al-Maghāzī*, 354–355.

[144] See however footnote 137. It is possible that this sentence is from Abū l-Aswad's account from ʿUrwa ibn al-Zubayr alone.

informed his companions what happened to the party on the day they died, but this happened in their versions in connection with ʿĀṣim ibn Thābit's prayer.

The tradition of Mūsā ibn ʿUqba is similar to – but not identical with – the versions of al-Zuhrī and Ibn Isḥāq. Several parts, i.e. 'peculiarities' of Mūsā's tradition seem to derive from at least one other story about the raid of the Hudhayl. The appearance of the name Muʿattab ibn ʿUbayd as seventh person of Muḥammad's scouting party, could be an addition from later times, since the versions of al-Zuhrī and Ibn Isḥāq do not mention him and he appears only in traditions from later traditionists, Ibn Sayyid al-Nās (d. 734/1334), Ibn Saʿd (d. 230/845) and al-Wāqidī (d. 207/823), but it is also possible that the name Muʿattab ibn ʿUbayd was part of the supposed third version possibly known to Mūsā ibn ʿUqba. Therefore, al-Zuhrī's name as informant of Mūsā in the *isnād* of al-ʿAskarī's tradition is probably not correct and might be an addition from a transmitter after Mūsā, who perhaps assumed that Mūsā got the tradition from al-Zuhrī, who is one of his teachers. Mūsā's transmitter Muḥammad ibn Fulayḥ (d. 197/813) is problematic.[145] Yaḥyā ibn Maʿīn considers him *laysa bi-thiqa* (not reliable). According to Abū Ḥātim there is no objection to him; he is not very strong (*mā bihi ba's, laysa bi-dhāk al-qawiyy*).[146]

VI. Conclusion

The *isnād-cum-matn*-analysis of the traditions ascribed to al-Zuhrī shows that he taught the story of the raid of the Hudhayl to several of his students. Only the traditions that his students Ibrāhīm ibn Ismāʿīl, Ibrāhīm ibn Saʿd, Maʿmar and Shuʿayb transmitted have survived in the sources. Other students of al-Zuhrī perhaps knew the tradition, but they did not transmit it further on or their stories did not survive in the sources familiar to us nowadays. The transmission must have taken place before 124/742 when al-Zuhrī died and we could therefore date al-Zuhrī's version to the first quarter of the second Islamic

[145] A. Görke and G. Schoeler found that Muḥammad ibn Fulayḥ unvaryingly traces his traditions from Mūsā ibn ʿUqba back to al-Zuhrī. See *Die ältesten Berichte über das Leben Muḥammads: das Korpus ʿUrwa ibn az-Zubair*, Princeton, 2008, 90, 114 (footnote 308) and 273.

[146] Al-Mizzī, *Tahdhīb* VI, 479 (no. 6140).

century. Al-Zuhrī probably did not relate just one version of his story about the raid of the Hudhayl, but it seems that he might have spread an edited (written) version later on in his life.

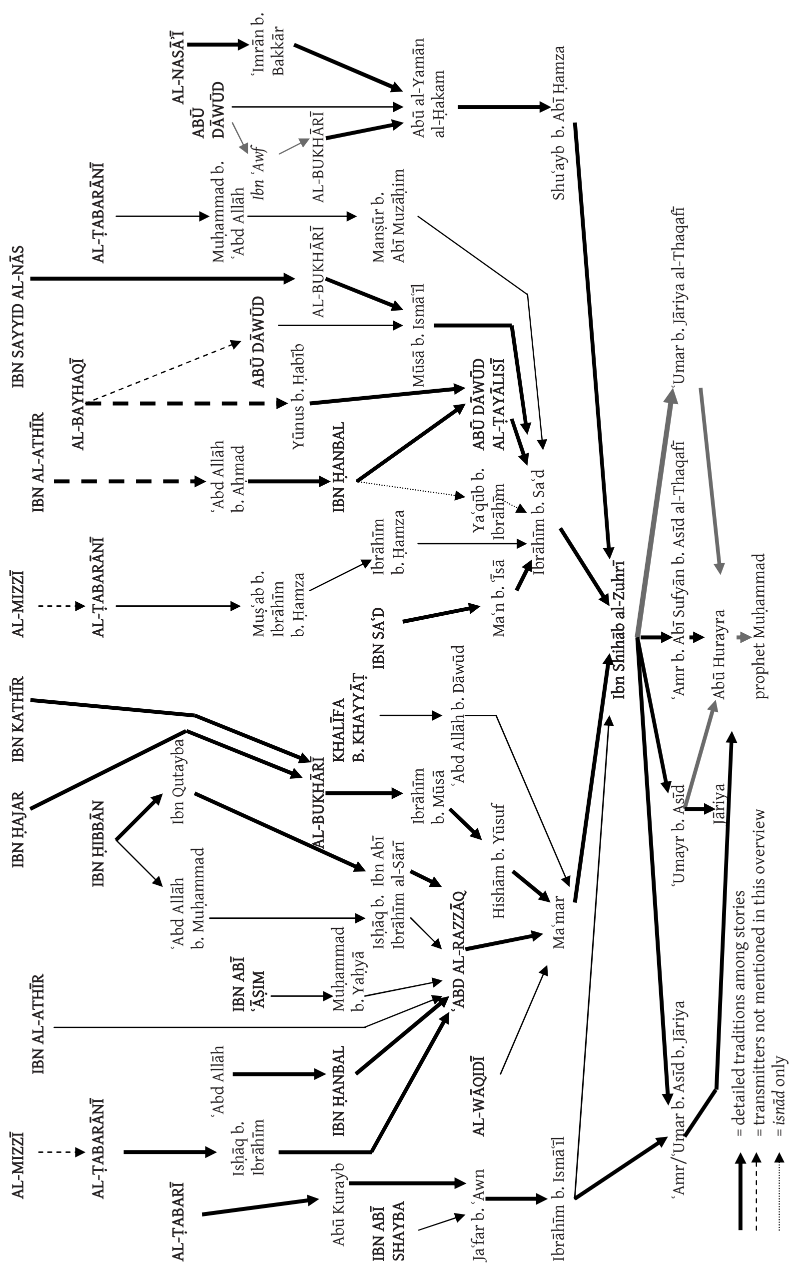
The comparison of al-Zuhrī's versions with the traditions from Ibn Isḥāq shows that their versions are similar in the main lines, but differ in the details to such an extent that it is not likely that Ibn Isḥāq heard the tradition about the raid of the Hudhayl from al-Zuhrī. This means that there existed two different versions of the raid in the first quarter of the second Islamic century. The similarities between the two versions of al-Zuhrī and Ibn Isḥāq indicate that there must have existed at least one story about the raid of the Hudhayl that predates their versions and which, consequently, should be dated at the turn of the century or possibly even in the last quarter of the first Islamic century.

Especially, the similarities in the section dealing with Khubayb's imprisonment were remarkable. Although Ibn Isḥāq and al-Zuhrī mention different informants as their source, it seems very likely that a part of Khubayb's story came from the same female source. There are even some indications that the stories on Khubayb's imprisonment were originally family traditions of the al-Ḥārith clan based on the story of a woman.

The traditions from Mūsā ibn ʿUqba and Ibn Saʿd contain information and formulations that the versions of al-Zuhrī and Ibn Isḥāq do not have. Perhaps there existed in the first quarter of the second Islamic century at least one other version on the raid of the Hudhayl.

Finally, the comparison with traditions circulated by others than al-Zuhrī could not substantiate al-Zuhrī's claim that he received his tradition from ʿAmr ibn Abī Sufyān ibn Asīd. The *isnād-cum-matn* analysis of the tradition about the raid of the Hudhayl has shown that the Muslim source material on the life of Muḥammad contains one other genuine al-Zuhrī tradition besides the traditions detected in previous studies. Since his tradition is based on even earlier stories about the raid and its participants, the account of the raid of the Hudhayl is much older than what has been previously suggested.

Appendix: *Isnād* schedule of al-Zuhrī's traditions about the raid of the Hudhayl



CHAPTER SEVEN

CRIME AND PUNISHMENT IN EARLY MEDINA: THE ORIGINS OF A *MAGHĀZĪ*-TRADITION[1]

Sean W. Anthony

Introduction

Let us ponder the following scenario. On the outskirts of the Byzantine and Sassanian empires, in the desert wastelands far beyond the concern of any imperial agent of justice or armed keeper of peace, a crime occurred. The leader of a small religious sect, being "few and abased"[2] and steadfastly endeavoring to eke out a still fragile existence in a frontier town formerly dominated by a conglomerate of Jewish tribes, welcomed a band of nomadic strangers from a distant Arabian tribe into their midst. When these strangers took ill, the sect's leader suggested for them to imbibe the local remedy of camel urine mixed with milk, offering them an ample share in the charitable trust of the city's livestock that had been dedicated to the poor and needy. The tribesmen headed to the outskirts of the settlement seeking succor for their illness, and after imbibing the remedy recommended by the sect's leader, they quickly recovered their prior, healthy state. While the motives remain unclear (beyond, of course, the most obvious and insipid such as greed, opportunism and the like), these outsiders attempted to abscond with the very milch-camels from which they had so recently been nourished back to health. In order to do so, they committed a most heinous crime, cruelly killing a young shepherd in order to escape with the herd. It was not long until the town's inhabitants

[1] The author would like to express his gratitude to Wadād al-Qāḍī for her encouragement and support throughout the evolution of this essay, having been based upon an early draft for which she lavishly provided numerous extensive and invaluable comments. Also, I would like to thank Catherine Bronson for aiding me in the wearisome task of proofreading this essay. Finally, I must extend my heartfelt gratitude to Harald Motzki for his interest in the essay and his generous offer to include it in this volume. Any flaws that may remain, of course, are entirely my own.

[2] "*Qalīl*[un] *wa-mustaḍʿafūna fī l-arḍ*," Qurʾān 8:26.

heard word of this ghastly incident. The sect's leader hastily sent his acolytes to retrieve the young shepherd's murderers and the stolen livestock. The town's expedition caught the criminals easily, and they swiftly meted out the murderous thieves' grim punishment. Their hands and feet were chopped off and nails were heated in fire in order to be shoved into their eyes. Then, there at the outskirts of the town, they left the thieves to die in anguish, baking under the hot Sun on the harsh, ashen rock surface of the nearby lava field.

At least, this is what the *muḥaddithūn* tell us. Given our historical distance from these events, suspicions always haunt the modern historian that any re-telling of such a story may merely recast in modern prose the detritus of the fanciful inventions about Muḥammad's life and deeds conjured by ʿAbbāsid-era *muḥaddith*s – thus amounting to a mere 'loose translation' of spurious stories into the historicizing idiom of a modern historian.[3] Ought one regard a narrative such as this as a mere biographic nimbus contrived by later, pietistic traditionists who have irrevocably obscured the life of Muḥammad from the gaze of modern persons, or ought one countenance the possibility that the traditions from which the above narrative derives reflects some perceptible bedrock of historical events passed on through generations which we moderns can ponder and analyze for our own purposes?

The following essay aims to address this historiographical concern, specifically with regard to the narratives of the encounter between the early Medinan community and these aforementioned mendicant tribesmen – most widely reputed to have belonged to either the Banū ʿUrayna or the Banū ʿUkl. This will be achieved by subjecting the legion of sources in which this story appears in its manifold versions to a source-critical analysis. This task has been undertaken in the conviction that preceding the moment when the historian may

[3] So alternatively, for example, W.M. Watt writes in his biography of Muḥammad, "A group of Banū ʿUrayna…came to Medina (perhaps in distress through lack of food) and professed Islam; because they were suffering from a fever, they were allowed to go to the pasture-grounds of Muḥammad's private herd to enjoy the plentiful milk there. But when they recovered strength, they killed one of the herdsmen and made off with fifteen camels; they were quickly captured and cruelly put to death," *Muḥammad at Medina*, 43; cf. his treatment of the materials as a whole in idem, "The Reliability of Ibn Isḥāq's sources," 31–44. While such 're-narrations' have utility and are praiseworthy, especially in terms of distilling one cultural tradition in order to present it to another, the consensus of modern scholarship in the West has for a long time expressed the need for a profounder treatment of the sources.

begin to speak of the historicity of the events recorded in the sources, one must first undertake a textual-history of the contents which comprise those very sources that the historian must necessarily employ. As sources are produced *in* history, *by* history and *for* history – whether we are speaking of the *maghāzī* of Wāqidī (d. 207/822) or sundry, related *aḥādīth* collected by Bukhārī (d. 256/870) – the establishment of the history behind these texts ought to occupy the first priority in the effort to establish the antiquity of a given tradition about the life of Muḥammad and its proximity to the events it describes and/or to those persons relating the narrative of said events.

Extant, written Islamic sources on the life of Muḥammad are not the product of an entirely *de novo* effort on behalf of the earliest compilers of the traditions relating his life but are rather the aggregate product of processes of both redaction and transmission across several generations. The overwhelming majority, and certainly the most useful, of our sources on the life of Muḥammad possess the touchstone characteristic of relating events atomistically in small literary capsules traditionally divided into two parts: the *isnād* and the *matn*; moreover, these two components create a literary style that nearly ideally exhibits the axiomatic observation that these texts arrived at their textual form through either aural reception and/or partially written transmission. The critical historian cannot, of course, take the claims to historicity of either the *matn* or the *isnād* at face value, and all of these features of the tradition have been variously evaluated over the last century, resulting in a cacophony of opinions with regard to the historical value of the information gathered in such atomistic accounts and compilations thereof.[4] This essay has been written with the aim of demonstrating that considerably more information can be gleaned from these materials with the aid of source-critical analysis than a surface, cursory reading of these texts would seem to first suggest. Such an assertion can be agreed upon by most if not all historians of the early Islamic period. Even the harshest critics of the trustworthiness and credulity of the *isnād* recognize the *isnād*s' utility to the historian as at the very least artifacts of the evolution of the vast Islamic literature in which they are so ubiquitous; likewise, those skeptics keen to dismiss the

[4] The literature and the debates have recently intensified, it seems, and has been summarized in numerous helpful articles thus rendering unnecessary the need to do so again within this essay. One of the most informative and helpful is H. Motzki, "Dating Muslim Traditions: A Survey," 204–53.

matn of a given tradition as spurious find great value in plotting the evolution of these texts nevertheless.[5]

Hence, the recovery of this transmission history which resulted in the aggregate form of the extant *isnād-matn* capsules ought to be one of the principle methods by which one can remedy what one scholar has characterized as being the "extraordinarily impenetrable" character of our sources by taking us farther back into the past, towards the earlier (and hopefully earliest) version of the text.[6] The very structure of the Arabic sources materials seems to have been custom-made for just such purposes.[7] This essay shall treat the problematic of both the *matn* and *isnād* together as just such artifacts of transmission. Most effective for doing this is a methodology coined by H. Motzki as *isnād-cum-matn* analysis.[8]

The incident involving these mendicant tribesmen turned camel-rustlers, as I hope to show, comes to us amply attested in such a broad array of versions that it gains an importance larger than what the relatively isolated event encapsulated by the tradition initially conveys. This bounty of attestations facilitates the process whereby source-critical analysis may reveal how these traditions evolved *historically*. In effect, an analysis of these traditions proves an example of how a tradition evolves over time in the early Islamic period, from its genesis to its final, canonized form.

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[5] Often these positions are much more nuanced than often portrayed; thus, J. Schacht who famously wrote that, "The *isnād*s constitute the most arbitrary part of the traditions," (*The Origins of Muhammadan Jurisprudence*, 163) also developed in detail the usage of the common-link phenomenon for the dating of traditions. Since Schacht, the utilization of the *isnād* as a mine for surreptitiously gaining historical insight into the evolution of the Muslim tradition has been extensively qualified and refined. Most notably M. Cook, "Eschatology and the Dating of Traditions," 23–47 and G.H.A. Juynboll, "Early Islamic society as reflected in its use of *isnād*s," 151–94 and numerous other contributions.

[6] P. Crone, *Slaves on Horses: The Evolution of the Islamic Polity*, 11.

[7] As G. Schoeler states, "Überlieferungsgeschichte zu betreiben, ist in wenigen Literaturen so einfach und so erfolgversprechend wie in der arabisch-islamischen," *Charakter und Authentie der muslimischen Überlieferung über das Leben Mohammeds*, 143. However, I believe he may overestimate the ease with which this can be accomplished.

[8] First realized, of course, in H. Motzki, *Die Anfänge der islamischen Jurisprudenz: Ihre Entwicklung in Mekka bis zur Mitte des 2./8. Jahrhunderts* (1991); see now also the English translation: idem, *The Origins of Islamic Jurisprudence: Meccan Fiqh before the Classical Schools*, trans. M. Katz (2001). For a short summary statement of his view of the methodology, see H. Motzki, "The Murder of Ibn Abī l-Ḥuqayq: On the Origin and Reliability of some *Maghāzī*-Reports," 174.

In the first part of this essay, the reader will find an analysis of two *ḥadīth*-traditions that putatively relate the same event – one from Anas ibn Mālik and the other from ʿUrwa ibn al-Zubayr – followed by an analysis of the evolution of a variety of miscellaneous traditions, tentatively named *sīra* and *maghāzī*-traditions, culminating in the work of Wāqidī. I believe that the first group of *ḥadīth*-traditions, the overwhelming majority of which are transmitted on the authority of Anas ibn Mālik, predate the formation of either the *maghāzī* or *sīra* and that this assertion can be rather firmly established through an *isnād-cum-matn* analysis of the variants of the Anas- and ʿUrwa-traditions. Of the two, however, the Anas-tradition exerts a particularly strong influence, and one finds that the complex of traditions (or, tradition-complex) attributed to Anas is unified by a coherently preserved narrative structure that serves as the template for all subsequent narratives of the tradition, even as far as its adaptations in the *sīra*- and *maghāzī*-literature.[9] The permutations of the Anas- and ʿUrwa-traditions belong, for the most part, to the initial stage in the evolution of the tradition and result largely from oral transmission. As will become clear below, this initial stage can be clearly distinguished from the secondary stage of transmission variants, characterized by what can be broadly deemed as 'historicizing tendencies', which begin with the *sīra* and *maghāzī* compilations and their precursors.[10]

For the purposes of this essay, I have tentatively deemed either *sīra*- or *maghāzī*-traditions those demonstrating such 'historicizing tendencies' which are datable, in form though not necessarily in content, to approximately the middle of 2nd century A.H. and afterwards, i.e., contemporary with the work of Ibn Isḥāq (84/704–150/767). These 'historicizing tendencies' within these later traditions exhibit an increase in narrative detail (e.g., dates, names, etc.) and/or are, in their composition, combined reports gathering together the diverse elements resulting – largely though not entirely – from the permutations of the

[9] Allowing, of course, for the typical expansions and contraction of the tradition as characterizes both transmission and redaction in a more general sense; on such 'expansion and contraction', see F.M. Donner, *Narratives of Islamic Origins: The Beginnings of Islamic Historical Writing*, 263–6.

[10] The terminology has been deliberately related to (and against) the *qiṣṣa→sīra-maghāzī→ḥadīth* evolution, being an transformation of the tradition from *narratio* to *exemplum*, as argued by J. Wansbrough, *The Sectarian Milieu: The Content and Composition of Islamic Salvation History*, 26 ff., 77 f., 87 *et passim*. This will be further discussed in the second section of this essay.

Anas- and ʿUrwa-traditions.[11] Although some objection to conflating *sīra* and *maghāzī* genres is to be expected, the evolution of the genres unfolds through a dialectic relationship rather than a linear one, and a fast distinction between the two would, I believe, do more harm than good conceptually. Indeed, the concept of *maghāzī* contains a broad spectrum of material in the early usage of the term. The desire for a hard and fast distinction between *sīra* and *maghāzī* is later and particularly characteristic of occidental scholars with a penchant for a precise determination of literary genres. In any case, documenting this second, '*sīra-maghāzī*' stage of the traditions' evolution into the genres of *sīra* and *maghāzī* proper – genres which in my view are more the product of the mind of the *akhbārī* rather than the *muḥaddith* – shall comprise the second part of this essay.

I. *Isnād* Analysis

Our analysis necessarily begins with an appraisal of the tradition's *isnāds*. The author refers the reader to the *isnād* charts accompanying this essay where many of the observations below are represented graphically. *Isnād*s on their own terms provide us with the rough outlines of the various versions of traditions, who propagated and/or originated the traditions, and even the popularity of certain traditions within a given school, geography and/or collection. Although dependent on the information proffered by biographical dictionaries compiled by later and even medieval traditionists, which are often derivative or marred by their own obfuscations, these materials when taken together with a

[11] See F. Sezgin, *GAS*, 1: 237–56, 275–302; J.M.B. Jones, "The *Maghāzī* Literature," and M.J. Kister, "The *Sīra* Literature," in *Arabic Literature to the End of the Umayyad Period* (*CHALUP*), ed. A.F.L. Beeston et al. M. Hinds attempted to date the emergence of a technical, restricted usage of the term *maghāzī* as a category of traditions within the broader spectrum of *sīra*-traditions; see "« *Maghāzī* » and « *Sīra* » in Early Islamic Scholarship," 57–66; idem, "Maghāzī," 1161 b-1163 b. Hinds, who depends heavily upon Wansbrough's schematization, revises his chronology to progress from "*maghāzī* to *sunna* via *siyar* then *sīra*" and attributes the more specific understanding of *maghāzī* as originating with Wāqidī ("« *Maghāzī* » and « *Sīra* » in Early Islamic Scholarship," 63 f.). While the coherence of Hinds' scenario would seem to add to its plausibility, it fails to find corroboration through a source critical analysis. These genres (viz., *maghāzī, sīra, siyar, aḥādīth*, etc.) do not appear in a chronologically evolving chain of genres but, rather, evolve contemporaneously and dialectically with one another. Hinds came close to realizing this process, but it evades him due to his preoccupation with bolstering Wansbrough's scheme (op. cit., 66).

critical measure and placed against the backdrop of the textual tradition itself prove to be an indispensable, albeit imperfect, resource. If our examination of the *isnād*s is to be seen as a rough sketch of the transmission history, one may refer to *matn* analysis for a fuller, more lucid picture of the evolution of the tradition.

The Anas ibn Mālik Tradition

By far the most complicated transmission-cluster[12] for our story has been attributed to Anas ibn Mālik (d. *ca.* 91/709).[13] Reputed to have been a *ṣaḥābī*, he was well-known for his decade-long service as a scribe of the Prophet after having been handed over to Muḥammad by his mother at age ten. Anas appears repeatedly among the most proficient transmitters of *aḥādīth*. This is a status gained not only by virtue of his tenure as the scribe of the Prophet but also through his unusually long life. As a centenarian *muʿammar* (viz., a person of exceptionally and not rarely of supernaturally old age), tradition places the death of this Companion firmly within the tenth decade of the 1st century A.H. – making him out to be just as central of a figurehead of Baṣran traditionists as the Successor, al-Ḥasan al-Baṣrī (21/642–110/728).[14] Consequently, Anas has been cast into a monumental position in the history of early Islam, albeit at times with a good deal of legendary materials surrounding the more significant events of his life. Such legendary materials can be either positive or negative and, therefore, are not always hagiographic. For instance, according to some accounts, Anas had been able to live to such a great old-age, amass such a great amount of wealth and sire as many as 80 children on account of a

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[12] 'Transmission-cluster' denotes what H. Motzki has called 'Traditionskomplex'; see H. Motzki, "*Quo Vadis, Ḥadīt*-Forschung? Eine kritische Untersuchung von G.H.A. Juynboll: 'Nāfiʿ the *mawlā* of Ibn ʿUmar, and his position in Muslim *Ḥadīt* Literature'," 193 f. The term is intended to be distinguished from the related term, '*isnād*-cluster', denoting the organically relation of the two components of the traditions, *matn* and *isnād*, and its transmission in a number of given transmissions, which must be examined in their numerous permutations.

[13] His death dates are numerous and divergent – among the possibilities 91–93 or 95 A.H.; see Ibn Ḥajar al-ʿAsqalānī, *Tahdhīb al-tahdhīb*, 1:386–9.

[14] For an analysis of *muʿammarūn* in Baṣra and some of the difficulties in mapping out the relationship existing between Anas and al-Ḥasan, see G.H.A. Juynboll, "The Role of *Muʿammarūn* in the Early Development of the *Isnād*," *WZKM* 81 (1991): 168 ff.; cf. idem, "Nāfiʿ, the *mawlā* of Ibn ʿUmar, and his position in Muslim *Ḥadīth* Literature," 223 f.

blessing received from the Prophet in his youth[15] In contrast, a much less amicable tradition claims that Anas had been afflicted with leprosy (Ar., *al-baraṣ*) because of an imprecation of ʿAlī ibn Abī Ṭālib (d. 40/661) due to his refusal to relate the tradition concerning the events of Ghadīr Khumm.[16] Of course, not all of the incidents in his life belong to such legendary materials; however, inasmuch as the immensity of his persona as a transmitter is too vast to treat here, this essay leaves such matters aside in order to avoid speculation into cumbersome details extraneous to the tradition. Rather, throughout this essay I have chosen to speak of Anas as shorthand for our hypothetical, Baṣran common-source being content, at least at present, to leave other such questions unanswered.

One can locate at least one version of the Anas-tradition of the Banū ʿUrayna (or ʿUkl) in most *ḥadīth* collections.[17] Taking this diverse body of attested materials, this essay divides the Anas traditions into four sections – the first three being represented in the three prominent transmission 'streams' forming *isnād*-clusters and the fourth comprising a number of unique miscellanea always being attested to by single line of transmission (Ar., *khabar al-wāḥid*).[18] As one can glean from the *isnād*-charts in Figures 1 and 2, Anas appears as a prime candidate

[15] Ibn Saʿd, *Kitāb al-Ṭabaqāt al-kabīr*, 5:325 ff. (no. 988), and 9:17 f. (no. 3665). Anas reputedly also claimed to be the last remaining Companion of the Prophet, saying, "Some of the Bedouin haved remained, but as for his [i.e., the Prophet's] Companions, I am the last who remains [*qad baqiya qawm*[un] *mina l-aʿrāb fa-ammā min aṣḥābihi fa-anā ākhiru man baqiya*]," ibidem, 5:348. He seemed to have, moreover, almost as many pupils as children; for a partial list of his "most notorious pupils" (among whom appear to important figures in the *isnād*s of the tradition under discussion: Yaḥyā ibn Abī Kathīr, Ḥumayd al-Ṭawīl and Qatāda ibn Diʿāma); see G.H.A. Juynboll, *Muslim Tradition: Studies in Chronology Provenance and Authorship of Early Ḥadīth*, 144 ff. and 221 f.

[16] See I. Goldziher, *Muslim Studies*, 2:112 ff.; L. Veccia Vaglieri, "Ghadīr Khumm," 993 a; W. Madelung, *The Succession to Muḥammad: A Study of the Early Caliphate*, 253.

[17] The uncanny exception to this, however, is the *Muwaṭṭaʾ* of Mālik ibn Anas (d. 179/795). Otherwise, the Anas tradition occurs in Ṭayālisī, *Musnad*, 3:495 (no. 2114); Ibn Abī Shayba, *al-Muṣannaf fī l-aḥādīth wa-l-āthār, k. al-jihād*, 6:437 (no. 32726) *et passim*; ʿAbd al-Razzāq ibn Hammām al-Ṣanʿānī, *al-Muṣannaf*, 10:48 (no. 18538) *et passim*; Ṭabarī, *Jāmiʿ al-bayān ʿan taʾwīl āy al-Qurʾān*, 10:244 f. (no. 11807) *et passim*; and Ṭaḥāwī, *Sharḥ mushkil al-āthār*, 5:62 (no. 1810) *et passim*; Bayhaqī, *al-Sunān al-kubrā*, 8: 282 f. See also A.J. Wensinck, *Concordances et indices de la tradition musulmane*, s.v. *ʿurayna* and *ʿukl*.

[18] This last category presents its own problematic as will be explored below; in general cf. G.H.A. Juynboll, "Khabar al-Wāḥid," 896 a; H. Motzki, "*Quo Vadis, Ḥadīṯ*-Forschung?," 47–54.

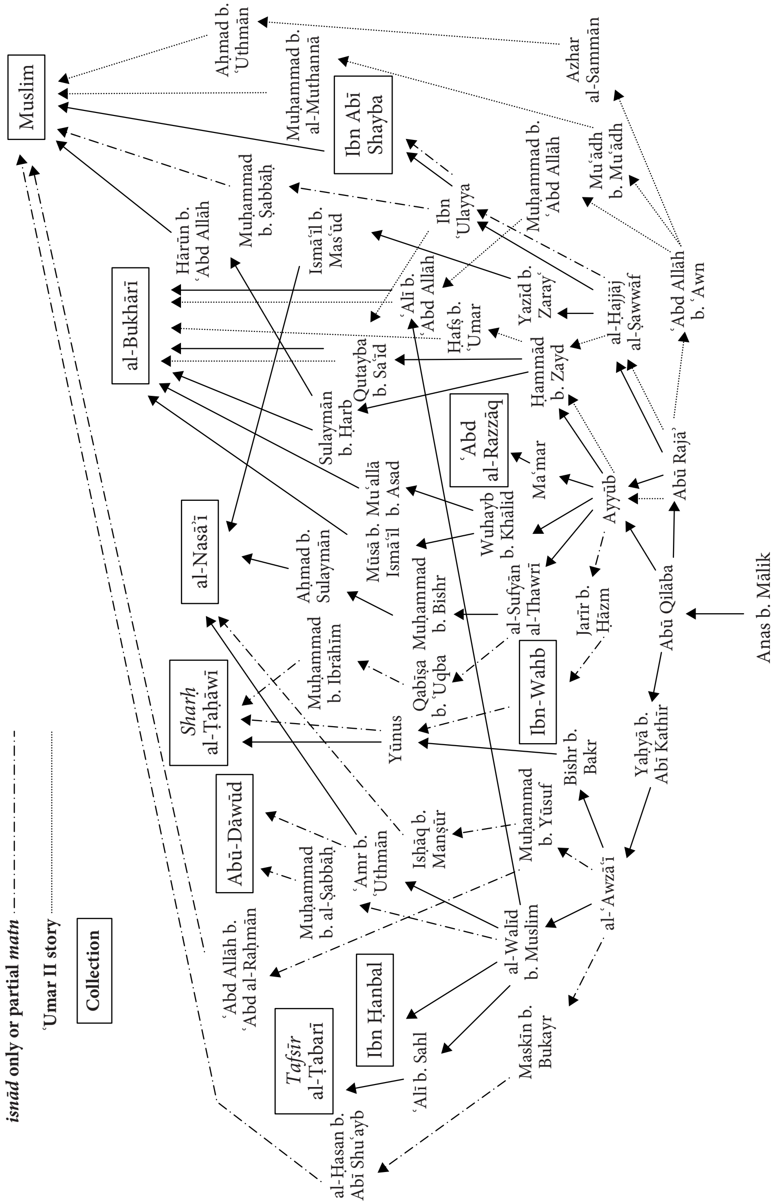


Figure 1. The Abū Qilāba *Isnād*-Cluster.

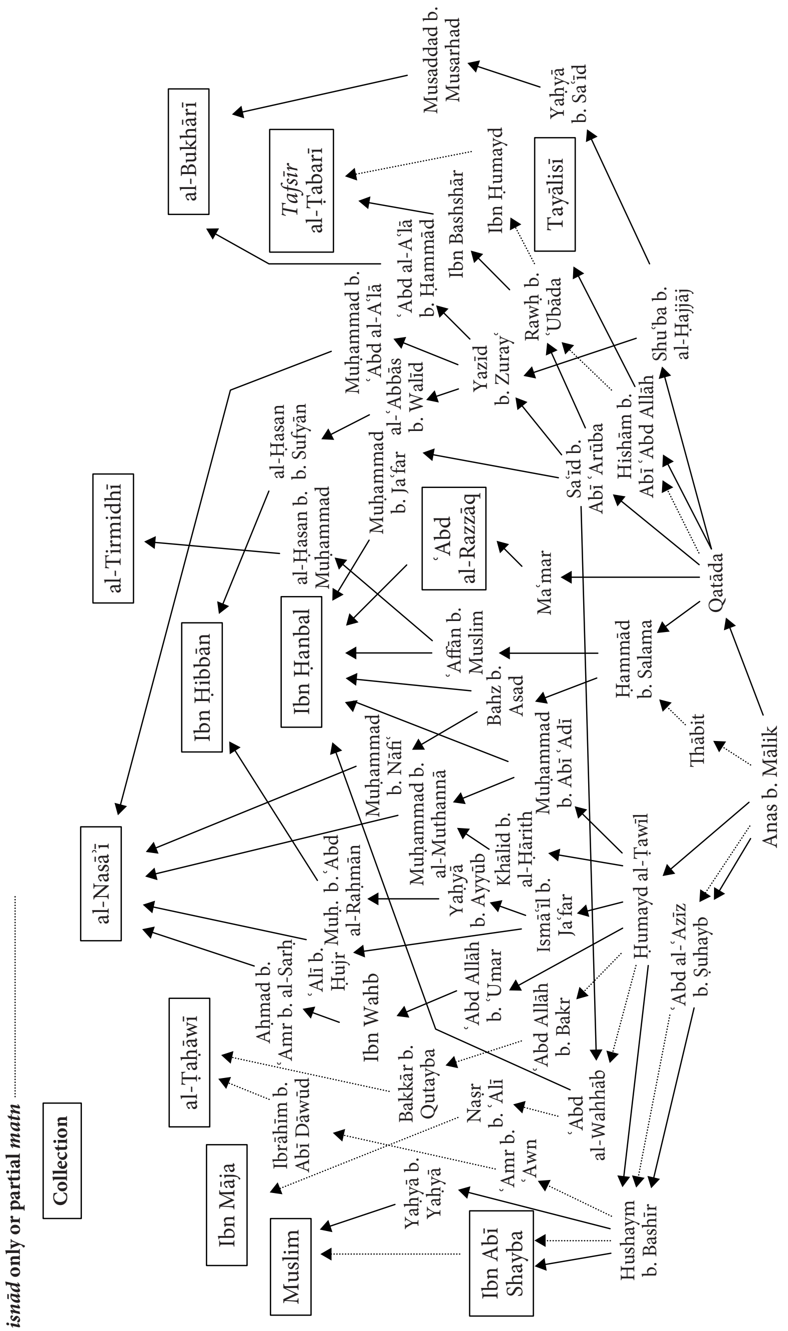


Figure 2. The Ḥumayd and Qatāda *Isnād* Clusters.

for the 'common link' inasmuch as the three main streams, transmitted through Abū Qilāba, Ḥumayd al-Ṭawīl and Qatāda, possess an *isnād* structure that indicates they are, in Juynboll's idiom, genuine 'partial common links.' Below, the paragraphs have been numbered for the sake of clarifying which analysis of the transmission streams and *isnād*-clusters corresponds to the relevant *matn* analysis organized under the earliest 'partial common link'.[19]

The Abū Qilāba Cluster

I.1. The most diverse *isnād*-cluster streaming from Anas can be traced back to his student, Abū Qilāba (see Figure 1).[20] Like nearly all of the earliest transmitters of the Anas-tradition, Abū Qilāba (d. *ca.* 107/725–6) hailed from Baṣra and carried a reputation as one of Anas' most erudite students. According to the biographical works, he absconded from an appointment as a judge in ʿIrāq to Syria, where he eventually found respite as a resident *faqīh* at the court of ʿUmar II (r. 99/717–101/720) with the likes of Ibn Shihāb al-Zuhrī (d. 124/742).[21] He died there in Syria.[22] As indicated in the *isnād*-chart in Table 1, we find Abū Qilāba's tradition divided into three tributary transmissions. Each of the three tributary transmissions, as will be shown, maintains distinctive characteristics corresponding to the lines of transmission while adhering closely to a common template – all of which provide compelling evidence for the independence of their transmission but simultaneously also the dependence of each upon a common, earlier source.

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[19] That Anas appears to be the most likely 'common link' for the tradition under investigation is an observation that Juynboll tentatively suggested (see G.H.A. Juynboll, "Some Notes on Islam's first *fuqahāʾ* distilled from early *ḥadīth* literature," 295, n. 16; cf. idem, "Nāfiʿ," 224, n. 26). However, Juynboll has more recently abandoned this position arguing, instead, that the tradition had only later been attributed to Anas after his status as a Companion had been invented by Shuʿba ibn al-Ḥajjāj (d. 160/777). Rather than Anas, Juynboll assigns the earliest version of this tradition to Ibn Isḥāq. See Juynboll, "An Incident of Camel Rustling in Early Islam," 225–37. One may adduce a wealth of evidence to recommend against this view, as will be argued below.

[20] Although the tables are more or less complete, attestations to additional *isnād*s lacking any record of an attached *matn* may be found; one may also benefit from referring to the additional *isnād*s associated with the Abū Qilāba transmission indexed in Mizzī, *Tuḥfat al-ashrāf bi-maʿrifat al-aṭrāf*, 1:456–458.

[21] Ibn ʿAsākir, *Tārīkh madīnat Dimashq*, 28:286 f. (no. 3302). On Ibn Shihāb al-Zuhrī, see the fairly recent studies of H. Motzki, "Der Fiqh des –Zuhrī: die Quellenproblematik," 1–44 and M. Lecker, "Biographical Notes on Ibn Shihāb al-Zuhrī," 21–63.

[22] Ibn Ḥajar, *Tahdhīb*, 5:224–26, s.v. ʿAbd Allāh ibn Zayd ibn ʿAmr, Abū Qilāba al-Jarmī.

I.1.a. The Ayyūb-transmission from Abū Qilāba is a Baṣran tradition recognizable by the *isnād*-unit: Ayyūb ibn Abī Tamīma al-Sakhtiyānī (66/68–125/131 A.H.)[23] – Abū Qilāba – Anas. Ayyūb possessed the reputation of being Abū Qilāba's most trusted student.[24] In turn the tradition branches off into five more tributaries representing the transmission of his students, as can be seen in Figure 1. So in Bukhārī's collection, for instance, we find four exemplary versions of the Ayyūb traditions that are straight forward, moderately longer than most of the legally-inclined traditions and invariably Baṣran in their transmission. These four fall between the two individuals who transmit the tradition in its most complete form from Ayyūb – namely, Ḥammād ibn Zayd (d. 179/795–6)[25] and Wuhayb ibn Khālid (d. *ca.* 165/781–2).[26] There exist conspicuous differences in the *matn* between these two. The differences are indicative of a second stage in the process of transmission and, therefore, are indicative of independent transmission inasmuch as the traditions following Wuhayb's line tend to show more affinity for each other than for other traditions lacking this pedigree. The same is true for Ḥammād's transmission. This is typical throughout the transmission cluster as a whole, and there will be an attempt to document this more fully in the *matn* analysis to follow.

Two single-strands transmitted from Ayyūb through the Baṣran traditionists, Jarīr ibn Ḥāzim (d. 175/791)[27] and Maʿmar ibn Rāshid (d. 153/770),[28] provide us with our earliest attestations to the Anas tradition in an extant written collection. In both cases, the geographical provenance of the tradition changes – in the former case being transmitted from him to the Egyptian traditionist, ʿAbd Allāh ibn Wahb (d. 197/812),[29] who transmitted then the tradition to another Egyptian, Yūnus

[23] Ibn Ḥajar, *Tahdhīb*, 1:397–99.

[24] Hence, in Ibn Saʿd, a tradition relates (on the authority of Ḥammād ibn Zayd through ʿĀrim ibn al-Faḍl) that Abū Qilāba stipulated that after his death, "Hand over my books to Ayyūb if he is alive. If not, burn them," *Ṭabaqāt*, 9:185 (no. 3886). According to Ibn ʿAsākir, his books were carried to Ayyūb in ʿIrāq; see *Tārīkh madīnat Dimashq*, 28:310.

[25] Baṣran and often considered the most prominent student of Ayyūb; see Ibn Ḥajar, *Tahdhīb*, 3: 9–11, s.v. Ḥammād ibn Zayd ibn Dirham, Abū Ismāʿīl.

[26] Also Baṣran, see Ibn Ḥajar, *Tahdhīb*, 11:169–170, s.v. Wuhayb ibn Khālid ibn ʿAjalān, Abū Bakr al-Bāhilī.

[27] Ibn Ḥajar, *Tahdhīb*, 2:69–72; M. Muranyi (ed.), *ʿAbd Allāh ibn Wahb (125/743–197/812), Leben und Werk: al-Muwaṭṭaʾ, Kitāb al-muḥāraba*, 124.

[28] Ibn Ḥajar, *Tahdhīb*, 10:243–46; see also H. Motzki, *Die Anfänge*, *passim*.

[29] Ibn Ḥajar, *Tahdhīb*, 6:71–74; J. David-Weill (ed.), *Le Djāmiʿ d'ibn Wahb*, 1: vii–xxvii; M. Muranyi, *ʿAbd Allāh ibn Wahb (125/743–197/812), Leben und Werk*, 17–31.

ibn ʿAbd al-Aʿlā (d. 264/877)[30] and in the latter being transmitted from Maʿmar to ʿAbd al-Razzāq al-Ṣanʿānī (d. 211/827). The two, previously mentioned traditions of a purer, Baṣran pedigree provide us with a text that will aid us later in determining the authenticity of these two problematic 'dives' or 'single-strands' as exemplified by the Egyptian version of the *isnād* recorded by Ṭaḥāwī but also appearing in Ibn Wahb's *Muwaṭṭa*ʾ[31] and the Yamanī version recorded by ʿAbd al-Razzāq.[32]

Further outside the norm of these Baṣran Ayyūb transmissions, Nasāʾī records a Kūfan variant of the Ayyūb transmission transmitted through Sufyān al-Thawrī (d. 161/778) to which there exists a parallel, though significantly different version recorded by Ṭaḥāwī.[33] Sufyān's appearance among the transmitters of this tradition from Ayyūb is not surprising considering the peripatetic nature of his career and the sizeable influence Ayyūb exercised over Sufyān after he arrived in Baṣra.[34] Nasāʾī's version remains Kūfan in its transmission after Sufyān and has the accoutrements of a legal-tradition insofar as its textual features are pithy and concise bearing the marks of abridgement. The same can be said of Ṭaḥāwī's record as well, although this tradition dons instead the characteristics of a *tafsīr* on Qurʾān 5:33.[35] Qabīṣa ibn ʿUqba appears as the transmitter from Sufyān in the *tafsīr* version and was notorious among various transmitters for his errors in transmitting from Sufyān. Ibn Ḥajar quotes Ibn Abī Khaythama on the authority of Ibn Maʿīn stating, "Qabīṣa is reliable in everything except in the *ḥadīth* of Sufyān, for he studied under him while he was young [*Qabīsat*^un^ *thiqat*^un^ *fī kulli shay*ʾ^in^ *illā fī ḥadīthi Sufyāna fa-innahu samiʿa minhu wa-huwa ṣaghīr*^un^]."[36] These comments from his *tarjama* may give us some insight into the reasons for the aberrant characteristic of his tradition.

I.1.b. The second cluster of Abū Qilāba traditions have *isnād*s branching off from the following common transmission section:

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[30] Ibn Ḥajar, *Tahdhīb*, 11:440 f.

[31] *Sharḥ mushkil al-āthār*, 5:64 (no. 1813); Ibn Wahb, *al-Muwaṭṭa*ʾ, *k. al-muḥāraba*, 322 (fol. 2 verso, l. 13).

[32] ʿAbd al-Razzāq, *al-Muṣannaf*, 9:115 (no. 17132).

[33] Cf. Nasāʾī, *Sunan*, *bāb taḥrīm al-dam*, 2:664 (no. 4044); Ṭaḥāwī, *Sharḥ mushkil al-āthār*, 5:62 (no. 1810).

[34] H.P. Raddatz, "Sufyān al-Thawrī," 770 b.

[35] The tradition is absent from his *Tafsīr al-Qurʾān al-karīm*.

[36] Ibn Ḥajar, *Tahdhīb*, 8:348.

al-Awzāʿī[37] – Yaḥyā ibn Abī Kathīr[38] – Abū Qilāba – Anas. The *isnād* constitutes, after al-Awzāʿī, the Syrian transmission of the tradition and in all likelihood purports to represent a geographical variant transmitted from Abū Qilāba as a result of his settling in Syria and continuing his activities there.[39] The first weak link of the *isnād* is Yaḥyā ibn Abī Kathīr. Most *ḥadīth*-critics agree that, although Yaḥyā had reputedly seen Anas ibn Mālik in his lifetime (while he was praying in a mosque), he never heard any traditions from him. Despite this fact, some claim that he was notorious for quoting Anas, as well other *ṣaḥābī*s, without specifying his source (Ar., *mursal*[an]) and known to be suspect of purposely making his *isnād*s ambiguous in order to add to their credulity (Ar., *tadlīs*). Even if this was his practice, none of the traditions here exhibit this tendency. The *rijāl*-literature also hints at Yaḥyā being a rival student to Ayyūb of Abū Qilāba inasmuch as there is some controversy over whether or not Abū Qilāba passed on his writings (*kutub*) to Yaḥyā.[40] This is not to say that an antagonism necessarily existed between the two. For instance, Ayyūb is also known to transmit from Yaḥyā as is al-Ḥajjāj al-Ṣawwāf (d. 143/760), who is the partial-common-link of the next transmission cluster from Abū Qilāba.[41] This would seem to indicate the common Baṣran circles from which even this Syrian version of the Abū Qilāba version of the Anas tradition originates before moving to this and other geographical locations.

However, there are several considerations that possibly go against this picture. The most recurrent transmitter of the tradition from al-Awzāʿī is one of his most prominent students, the Syrian traditionist al-Walīd ibn Muslim (d. 194/810). In the *rijāl* works, al-Walīd himself is known to be an unrepentant practitioner of *tadlīs*, known for polishing up the weaker *isnād*s of al-Awzāʿī with the excuse that, "al-Awzāʿī was nobler than these (weak transmitters) [*anbala al-Awzāʿī ʿan hāʾulāʾ*]."[42]

[37] ʿAbd al-Rahmān ibn ʿAmr ibn Abī ʿAmr al-Awzāʿī was born in 88 and died ca. 151–157 A.H.; Ibn Ḥajar, *Tahdhīb*, 6:238–242.

[38] Yaḥyā ibn Abī Kathīr Abū Naṣr al-Ṭāʾī died 129/32 A.H.; Ibn Ḥajar, *Tahdhīb*, 11:268–70.

[39] Bukhārī, *Ṣaḥīḥ, bāb al-muḥāribīn*, 3:1372, (no. 6890); Muslim, *Ṣaḥīḥ*, *bāb al-qasāma*, 2:724 (no. 4449); Nasāʾī, *Sunan*, *bāb taḥrīm al-dam*, 2:664 (nos. 4042–4043); Abū Dāwūd, *Sunan*, *bāb al-ḥudūd*, 2:728 (no. 4368); Aḥmad ibn Ḥanbal, *Musnad* 6:194; Ṭabarī, *Jāmiʿ al-bayān*, 10:249 f. (no. 11824).

[40] Dhahabī, *Mīzān al-iʿtidāl fī naqd al-rijāl*, 4:402 f.

[41] See also G.H.A. Juynboll, "Early Islamic Society," 169–71.

[42] Ibn Ḥajar, *Tahdhīb*, 11:151–5, s.v. al-Walīd ibn Muslim Abū al-ʿAbbās al-Dimashqī.

While this may cause us concern, such appears not to have been the case with the *isnād*s present in this cluster. Rather, two things are conspicuous here about his role in the branch of the *isnād*. On the one hand, the only text fully quoted in various versions in our sources comes via al-Walīd – with merely one exception found recorded by Ṭaḥāwī[43] transmitted from al-Awzāʿī to Bishr ibn Bakr (d. 255/869).[44] On the other hand, all other *isnād*s lack a *matn* or possess only partial excerpts from the *matn*. This is a dubious predicament Schacht and others would likely suggest exhibits the spread of the *isnād*, i.e., "the creation of additional authorities or transmitters for the same doctrine or tradition"[45] – in other words, that we have an instance of al-Walīd taking a pre-existent tradition and putting his own version thereof into circulation. The other *isnād*s – being mostly single strands and without *matn*s – and even Ṭaḥāwī's *matn* are, according to his methodology, spurious. Nothing suggests that these *isnād*s, which bypass al-Walīd ibn Muslim and at no time branch out, must necessarily lead one to indicate that these are merely spurious inventions of collectors or teachers intended to bolster the transmission of al-Walīd; rather, they merely appear to indicate that al-Walīd's transmission is simply the one to which we at present possess the broadest attestation. Nevertheless, in the absence of many texts with which to compare these transmissions, one is compelled to lay the idiosyncrasies of this *matn* at the feet of either al-Awzāʿī or, more probably, al-Walīd (see below).

I.1.c. Proposing a unique problem are the traditions, also Baṣran, carrying a 'family-*isnād*' ostensibly transmitted from Abū Qilāba through his *mawlā*, Abū Rajāʾ – a figure concerning whom information is extremely scant. Apparently, moreover, this variant of the Abū Qilāba tradition is the only tradition transmitted on his authority.[46] This transmission

Cf. G.H.A. Juynboll, "The Role of Non-Arabs, the *Mawālī*, in the Early Development of Muslim *Ḥadīth*," 381.

[43] Ṭaḥāwī, *Sharḥ mushkil al-āthār*, 5:63 f. (no. 1812).

[44] Ibn Ḥajar, *Tahdhīb*, 1:442 f.

[45] Schacht, *Origins*, 166; also cf. M. Cook, *Early Muslim Dogma: A Source Critical Study*, 109 ff.

[46] Ibn Ḥibbān, *Thiqāt*, 6:417; Ibn Ḥajar, *Tahdhīb*, 4:140, s.v. Salmān Abū Rajāʾ *mawlā* Abī Qilāba. He should not be confused with the Baṣran *muʿammar*, Abū Rajāʾ al-ʿUṭāridī (d. ca. 107/725) who was reputed to have lived until the age of 135; see Juynboll, "The Role of *Muʿammarūn*," 170 f.; idem, "Some *Isnād*-Analytical Methods Illustrated on the Basis of Several Woman Demeaning Sayings from *Ḥadīth* Literature," 362 ff.

stream comes in two forms, one transmitted through the *isnād* al-Ḥajjāj al-Ṣawwāf – Abū Rajāʾ – Abū Qilāba – Anas and the other through Ibn ʿAwn, also from Abū Rajāʾ. Each of al-Bukhārī's traditions which include this *mawlā* in the *isnād* feature some story involving ʿUmar II ibn ʿAbd al-ʿAzīz (r. 99/717–101/720) that provide the 'historical' and jurisprudential backdrop for the relating of the ʿUrayna tradition by Abū Qilāba; Muslim includes only one tradition that relates the story. The *mawlā*-tradition concerning ʿUmar II is, moreover, but one of at least three such 'historicizing' types of tradition. At least two others with independent lines of transmission, i.e., outside the Abū Qilāba transmission-cluster, feature, as we shall see, either the Caliph ʿAbd al-Malik ibn Marwān (r. 65/685–86/708) or al-Ḥajjāj ibn Yūsuf al-Thaqafī (d. 95/714). Among the *isnād*s of the Abū Rajāʾ traditions (see Figure 1), we find that three out of four in Bukhārī, one of the three in Muslim, and the single attestation in Nasāʾī have the common-link al-Ḥajjāj al-Ṣawwāf (d. 143/760–1).[47] Bukhārī, however, diverges from the others being the sole source providing us with complete attestations to this story of ʿUmar II within which the ʿUrayna tradition from Anas is related; Muslim provides only a partial version transmitted on the authority of another traditionist, ʿAbd Allāh ibn ʿAwn,[48] rather than al-Ḥajjāj al-Ṣawwāf.[49] Muslim's two other records and Nasāʾī's one instance of the *mawlā*-tradition, all transmitted from the *mawlā* on the authority of al-Ḥajjāj al-Ṣawwāf, differ conspicuously from the versions of Bukhārī in that they lack any mention of the brief anecdotes involving ʿUmar II. Finally, it is important to note that a version of the ʿUmar II story, albeit much less polished, appears *without* the ʿUrayna tradition recorded by ʿAbd al-Razzāq on the authority of Maʿmar – Ayyūb – Abū Rajaʾ.[50]

One could suggest that Nasāʾī and Muslim, at least in their records of the transmission from al-Ḥajjāj al-Ṣawwāf, diverge from Bukhārī

[47] Bukhārī, *Ṣaḥīḥ*, *bāb al-maghāzī*, 2:836 (no. 4242); ibidem, *bāb al-diyāt*, 3:1391 (no. 6984); Muslim, *Ṣaḥīḥ*, *bāb al-qasāma*, 2:723 (nos. 4446–4447); Nasāʾī, *Sunan*, *bāb taḥrīm al-dam*, 2:664 (no. 4041). Ibn Ḥajar, *Tahdhīb*, 2:203, s.v. al-Ḥajjāj ibn Abī ʿUthmān Abū l-Ṣalt al-Ṣawwāf.

[48] ʿAbd Allāh ibn ʿAwn ibn Arṭabān, Abū ʿAwn al-Baṣrī lived 66–150 A.H.; Ibn Ḥajar, *Tahdhīb*, 5:346–49.

[49] Muslim, *Ṣaḥīḥ*, *bāb al-qasāma*, 2:723 (no. 4448); Mizzī mentions a version of the ʿUrayna tradition, also transmitted through al-Ḥajjāj al-Ṣawwāf, that he claims appears in the *Sunan* of Abū Dāwūd. However, I have been unable to locate it in any printed edition; cf. Mizzī, *Tuḥfat*, 1:457.

[50] ʿAbd al-Razzāq, *al-Muṣannaf*, 10:19 (no. 18278).

due to an abbreviation of the extended *matn* found in al-Bukhārī. This assertion will be elucidated further in the *matn* analysis to follow, but there are also some intimations of this conjecture within the *isnād*s. Thus, in one of Muslim's versions of the tradition, the divergence from Bukhārī's text can be explained by looking at the *isnād*.[51] So, for instance, we can see in Muslim's tradition that Abū Rajāʾ appears in a nearly identical *isnād* lacking him in Bukhārī. The additions to the *isnād* in Muslim have been marked by brackets: Anas – Abū Qilāba – [*mawlāhu*, Abū Rajāʾ] – Ayyūb – Ḥammād ibn Zayd – Sulaymān ibn Ḥarb – [Hārūn ibn ʿAbd Allāh].[52] Abū Rajā' is clearly inserted into the *isnād*. Textually speaking this is reconfirmed inasmuch as the *matn* conforms entirely in structure and vocabulary to the Ḥammād transmission from Ayyūb from Abū Qilāba.

This is not the case with the other *mawlā*-traditions. As stated above, the two short versions, present in both Muslim and Nasāʾī, are preserved as abbreviations of a longer tradition. Ibn Ḥajar argues that all traditions putatively from the *mawlā* of Abū Qilāba originally included the story of ʿUmar II;[53] this seems to be correct with the exception of the above tradition of Muslim where Abū Rajāʾ was clearly inserted into the *isnād* at some time during its transmission. Indeed, the ʿUmar II story, known to circulate independently of the ʿUrayna tradition, probably enters this tradition-complex along with the insertion of the name of Abū Rajāʾ. ʿAbd al-Razzāq's version of the ʿUmar II story without the ʿUrayna tradition provides some grounds for such a conjecture;[54] thus, one could postulate a later expansion of the tradition (e.g., by al-Ḥajjāj al-Ṣawwāf, who himself was a student of many transmitters of the Anas tradition) or a fusing of two traditions (i.e., the Abū Qilāba's *responsum* and his version of the ʿUrayna tradition) in order to include the anecdote concerning ʿUmar II. This can be demonstrated given a few considerations. Firstly, there is the figure of al-Ḥajjāj al-Ṣawwāf: although al-Ḥajjāj al-Ṣawwāf never transmits from Abū Qilāba himself, he nevertheless appears as the redoubtable

[51] See Muslim, *Ṣaḥīḥ*, *bāb al-qasāma*, 2:723 (no. 4447).

[52] Cf. Bukhārī, *Ṣaḥīḥ*, *bāb al-wuḍūʾ*, 1:51 (no. 234); Muslim, *Ṣaḥīḥ*, *bāb al-qasāma,* 2:723 (no. 4447).

[53] Ibn Ḥajar al-ʿAsqalānī, *Fatḥ al-bārī fī sharḥ Ṣaḥīḥ al-Bukhārī*, 1:349.

[54] Although it should be cautioned that the usage of "*kadhā wa-kadhā*" at key intervals of the version given by ʿAbd al-Razzāq indicates an amount of abridgement to the content of the tradition, albeit indiscernible and unquantifiable; see *al-Muṣannaf*, 10:19 (no. 18278).

proponent of this version of the tradition with or without the ʿUmar II anecdote. If anyone, he would be the most likely candidate for first 'inserting' the *mawlā*, Abū Rajāʾ, and thus creating the ʿUmar II story. If one were to postulate the possibility of forgery, the question arises as to why such a non-entity as Abū Rajāʾ would be introduced into an already established *isnād*. The only reasonable answer is that he would be employed for the sake of introducing such extraneous details due to fact that he would stand outside the normal scholarly circles wherein standards of reputation and probity were becoming increasingly fastidious. Abū Rajāʾ, though obscure, offers with his status as Abū Qilāba's *mawlā* the added security of the 'family'-*isnād*, thereby taking the issue of his probity outside the normal student-teacher vetting process. As for the shorter versions, Muslim's source of the transmission of al-Ḥajjāj al-Ṣawwāf arrives to him from Ibn Abī Shayba (d. 235/849), who himself had a penchant for abbreviating and shortening the *matn*.[55] Finally, Bukhārī and Muslim contain one unique transmission relating the ʿUmar II anecdote that are both also Baṣran but that differ from the more prevalent transmissions of al-Ḥajjāj al-Ṣawwāf in textual content and wording. The following *isnād* is attached to the tradition in Bukhārī:[56] Anas – Abū Qilāba – *mawlāhu* Abū Rajāʾ – Ibn ʿAwn – Muḥammad ibn ʿAbd Allāh al-Anṣarī[57] – ʿAlī ibn ʿAbd Allāh;[58] Muslim's version is transmitted from through Muʿādh ibn Muʿādh (d. 196/811–2) and Azhar al-Sammān (d. 203/818–9) but only includes the *qiṣṣa* partially and omits the *ḥadīth*.[59] Although the texts are unique enough in terms of the wording and features of the respective *matn* of each to preclude its invention by either Bukhārī or Muslim, the *isnād* is somewhat dubious due to the fact that the prominent Baṣran traditionist, ʿAbd Allāh ibn ʿAwn (d. 151/768), is not known to transmit traditions from anyone associated with our tradition *except* Abū Rajāʾ – his main teachers having been Muḥammad ibn Sīrīn and al-Ḥasan

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[55] Hence, he only includes the portion of the *ḥadīth* which mentioned the medicinal properties of camel urine: cf. Ibn Abī Shayba, *Muṣannaf, k. al-ṭibb*, 5:55 (no. 23649); ibidem, *k. al-radd ʿalā Abī Ḥanīfa*, 7:295 (no. 36219).

[56] Bukharī, *Ṣaḥīḥ*, *k. al-tafsīr*, 2: 927 (no. 4653).

[57] Muḥammad ibn ʿAbd Allāh ibn Muthannā al-Anṣarī al-Qāḍī al-Baṣrī died 214/829–30; Ibn Ḥajar, *Tahdhīb*, 9:274–6.

[58] ʿAlī ibn ʿAbd Allāh ibn Jaʿfar ibn al-Madanī lived 161–234 and transmitted over three-hundred *hadīths* to al-Bukhārī; Ibn Ḥajar, *Tahdhīb*, 7:349–357.

[59] These two are often paired as students of Ibn ʿAwn. See esp. Ibn Ḥajar, *Tahdhīb*, 10:189 f.; for the tradition see Muslim, *Ṣaḥīḥ*, *bāb al-qasāma*, 2:723 (no. 4448).

al-Baṣrī.[60] Yet, insofar as all of the transmitters are Baṣran, this should not be seen as too troublesome. *Mutatis mutandis*, the simplest and most elegant explanation appears to be that these two *isnād*s-clusters of al-Ḥajjāj and Ibn ʿAwn (as well as their respective texts) reflect an early instance of a genuine transmission (i.e., the product of a teacher-student exchange originating in Baṣra) but also of a tampered *matn*, which departs from the original form of the Baṣran traditions, attributed to the rather obscure *mawlā* of Abū Qilāba meant to graft a tradition known to have been circulated by Abū Qilāba onto a well-known legal *responsum* of his given at the court of ʿUmar II.

The Ḥumayd al-Ṭawīl Cluster

I.2. The second transmission stream from Anas ibn Mālik is attributed to another Baṣran, Ḥumayd al-Ṭawīl (d. 142/759).[61] This transmission-stream possesses a wide distribution in our sources much like that of Abū Qilāba; however, much of the *isnād*-cluster forms the 'spidery' shape which Juynboll has often observed (see Figure 2).[62] Those putatively transmitting from Ḥumayd al-Ṭawīl are diverse as well amounting to seven persons: Hushaym ibn Bashīr (d. 183/799) of Wāsiṭ, ʿAbd al-Wahhāb ibn ʿAbd al-Majīd (d. 194/809–10) of Baṣra,[63] ʿAbd Allāh ibn ʿUmar al-ʿUmarī (d. 171/787–8) of Medina,[64] ʿAbd Allāh ibn Bakr (d. 208/823–4) of Baṣra,[65] Ismāʿīl ibn Jaʿfar al-Anṣārī (d. 180/796–7),[66] and Muḥammad ibn Abī ʿAdī (d. 194/809–10) of Baṣra. Juynboll's methodology would likely lead him to include that most of these *isnād*s are unhistorical due to the lack of the appearance of any prominent 'partial common link', save the most prolific transmitter Hushaym. This view would conform to his general rule that, "The more transmission lines there are, coming together in a certain transmitter… the

[60] Ibn Ḥajar, *Tahdhīb*, 5:347.
[61] Ibn Ḥajar, *Tahdhīb*, 3:38–40.
[62] Muslim, *Ṣaḥīḥ*, *bāb al-qasāma*, 2:772 (no. 4445); Ibn Mājah, *Sunan*, *bāb al-ḥudūd*, 1:375 (no. 2676); Nasāʾī, *Sunan*, *bāb taḥrīm al-dam*, 2:665 (nos. 4045–4048); Ibn Ḥanbal, *Musnad*, 3:107, 205; Ṭaḥāwī, *Sharḥ mushkil al-āthār*, 5:64 (no. 1814) and 66 (no. 1817); Ibn Ḥibbān, *Ṣaḥīḥ*, *bāb qaṭʿ al-ṭarīq*, 10:323 f. (no. 4471).
[63] He was known to have written down his *ḥadīth* and to have become senile late in life, see Ibn Ḥajar, *Tahdhīb*, 6:449 f.; Ibn Māja, *Sunan*, *bāb al-ḥudūd*, 1:375 (no. 2676).
[64] He is often criticized as a transmitter, mostly for tampering with his *isnād*s, see Ibn Ḥajar, *Tahdhīb*, 5:326–28; Nasāʾī, *Sunan, bāb taḥrīm al-dam*, 2:665 (no. 4045).
[65] Ibn Ḥajar, *Tahdhīb*, 5:162 f.; Ṭaḥāwī, *Sharḥ muskhil al-āthār*, 5:64 (no. 1814).
[66] Ibn Ḥajar, *Tahdhīb*, 1:287 f.

more that moment of transmission…has a claim to historicity."[67] As Motzki has noted, "This general rule is plausible. It is not, however, very practical."[68] More specifically, Juyboll's rule, while helpful, does not take into account the prejudices and contingencies of the collection process itself. Textually, this can be substantiated more firmly, but some observations in the *isnād*-cluster will clarify this as well. The *isnād* is, firstly, populated predominately by obscure traditionists – some of them, such as ʿAbd Allāh ibn ʿUmar al-ʿUmarī, have a veritably notorious reputation. Secondly, Ḥumayd al-Ṭawīl himself, morever, lacked the prestige granted to other students of Anas.[69] In as much as many collectors saw their enterprise as a judicious and discerning one, the plausibility that the Ḥumayd's version would not gain the wide attestation present, for instance, in the Abū Qilāba transmission cluster is high and certainly increases the probability of its historicity.

Moreover, slight idiosyncrasies accompany the *isnād*s of many of these transmissions. Hushaym's *isnād*s, for example, are invariably attributed to both Ḥumayd al-Ṭawīl and another student of Anas, ʿAbd al-ʿAzīz ibn Ṣuhayb (d. 130/747–8), who although less prominent escapes much of the criticism directed towards Ḥumayd.[70] It seems prudent, taken together with textual evidence, to attribute the actual *matn* to Ḥumayd due to the absence of an *isnād* independently attesting a transmission coming from ʿAbd al-ʿAzīz ibn Ṣuhayb.

In three instances, two in the *Musnad* of Ibn Ḥanbal and one in the *Sunan* of Nasāʾī, the transmitter is Muḥammad ibn Abī ʿAdī (d. 194/809–10), a Baṣran,[71] and his transmission is distinguished from the others by the addition of a gloss attributed to Qatāda appearing in the middle of *matn*. The transmission of this gloss is problematic and incongruent with an otherwise smooth line of transmission; however, it seems to have its provenance in the transmission of Ibn Abī

[67] G.H.A. Juynboll, "Some *Isnād*-Analytical Methods," 552; cf. his treatment of similar 'spidery-bundle' in idem, "Nāfiʿ, the *mawlā* of Ibn ʿUmar," 23 f.

[68] H. Motzki, "Dating Muslim Traditions," 229.

[69] He was known for *tadlīs* in form of attributing to Anas what he actually received from Thābit; see Ibn Ḥajar, *Tahdhīb*, 3:38–40 and M. Muranyi, *ʿAbd Allāh ibn Wahb (125/743–197/812), Leben und Werk*, 110 f. Juynboll includes Ḥumayd in his list of Anas' most notorious pupils (*Muslim Tradition*, 221).

[70] Ibn Ḥajar, 6:341 f. Ibn Abī Shayba records one exception to this, but it should probably be attributed to this collector who tends to separate otherwise combined *isnād*s; see, Ibn Abī Shayba, *Musannaf*, *k. al-radd ʿalā Abī Ḥanīfa*, 7:295 (no. 36218) and ibidem, *k. al-siyar*, 6:437 (nos. 32726–32767).

[71] Ibn Ḥajar, *Tahdhīb*, 9:12 f.

ʿAdī. On the other hand, Muḥammad ibn al-Muthannā (d. 252/866),[72] also Baṣran, transmits two versions with slight differences in wording – one from Muḥammad ibn Abī ʿAdī and the other from Khālid ibn al-Ḥārith (d. 186/802).[73] However, Muḥammad ibn al-Muthannā records the one exception wherein Qatāda's gloss is mentioned in a transmission from a person other than Muḥammad ibn Abī ʿAdī, thus placing it also in the transmission form Khālid ibn al-Ḥārith. Certainly, this is an error on the part of Ibn al-Muthannā. Since Aḥmad ibn Ḥanbal directly transmits the tradition with the Qatāda-gloss from Muḥammad ibn Abī ʿAdī, any attribution of the comment to Muḥammad ibn al-Muthannā is out of the question; however, it does seem likely that at the very least Khālid's transmission was adulterated, probably incidentally, with the content of the other tradition transmitted by Muḥammad ibn al-Muthannā. The actual origins of the Qatāda-gloss remain obscured due to the paucity of variants, but an attribution to Muḥammad ibn Abī ʿAdī is most plausible. Due to the fact that neither of the traditionists in these *isnād*s transmit from Qatāda, the gloss remains problematic.[74]

Aside the *isnād*s mentioned above, Ḥumayd's *isnād*s branch into a number of single-strands. Among these traditions, the most aberrant is the *isnād* Anas – Ḥumayd al-Ṭawīl – ʿAbd Allāh ibn ʿUmar[75] and another [*wa-ghayrihi*] – Ibn Wahb[76] – Aḥmad ibn ʿAmr ibn al-Sarḥ.[77] Other than the obvious fact that Ibn Wahb neglects to identify his second source for the tradition, ʿAbd Allāh ibn ʿUmar maintains quite a mixed reputation in the *rijāl* literature: Nasāʾī considers him *ḍaʿīf* and others malign him for writing down his *ḥadīth*. This evaluation of traditionists finds justification in his version of the *matn*, which uniquely states that the criminals from Banū ʿUrayna were crucified.[78] While this detail appears in other traditions, crucifixion is totally foreign to the Ḥumayd traditions, minus this one exception, as transmitted

[72] Ibn Ḥajar, *Tahdhīb*, 9:425–27.
[73] Ibn Ḥajar, *Tahdhīb*, 3:82 f.
[74] E.g., see the list in Mizzī, *Tahdhīb al-kamāl fī maʿrifat al-rijāl*, 23:504 ff., s.v. Qatāda ibn Diʿāma ibn ʿAzīz.
[75] Died in 172 A.H., a Medinan of mixed reputation as a transmitter because he wrote down his *ḥadīth*s.; Ibn Ḥajar, *Tahdhīb*, 5:326 ff., s.v. ʿAbd Allāh ibn ʿUmar ibn Ḥafṣ ibn ʿĀṣim al-ʿUmarī; Dhahabī, *Mīzān*, 2:365.
[76] Ibn Ḥajar, *Tahdhīb*, 6:81–84.
[77] Egyptian, d. 255/869; Ibn Ḥajar, *Tahdhīb*, 1:64.
[78] Ibn Wahb, *al-Muwaṭṭaʾ*, *k. al-muḥāraba*, 322 (fol. 2 verso, l. 6). Nasāʾī, *Sunan*, *bāb taḥrīm al-dam*, 2:665 (no. 4045).

elsewhere. Likely this is either an adulteration introduced by the dubiously unnamed 'another', the debris of one of the transmitters' additions, or an addition reflecting a period when the association of Qurʾān 5:33 began to affect the content of the tradition.[79]

The Qatāda Cluster

I.3. The Anas streams from Qatāda (d. *ca.* 117/735),[80] a blind traditionist known for his prodigious memory, represent yet another Baṣran transmission. Its presence in the literature is diverse and early, appearing in Ṭayālisī's *Musnad*, ʿAbd al-Razzāq's *Muṣannaf*, Ibn Ḥanbal's *Musnad*, Bukhārī's *Ṣaḥīḥ*, Nasāʾī's *Sunan* and Ṭabarī's *Jāmiʿ al-bayān* (see Figure 2).[81] All transmissions fall into at least two streams following the five transmitters from Qatāda, all of which are Baṣran: Shuʿba ibn al-Ḥajjāj (d. 160/776–7),[82] Saʿīd ibn Abī ʿArūba (d. 155/772),[83] Ḥammād ibn Salama (d. 167/783–4),[84] Maʿmar ibn Rāshid

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[79] It seems that the mentioning of crucifixion in this tradition begins to become perceptible around the middle of the 2nd century A.H. Otherwise, crucifixion at the hands of Muḥammad seems anachronistic against the backdrop of the rest of historical data surrounding his life. Mālik ibn Anas, for instance, states the first instance of crucifixion he knew of was when ʿAbd al-Malik crucified al-Ḥārith, a would-be prophet who was crucified alive; see Saḥnūn, *al-Mudawwana al-kubrā*, 4:553. On the incident, see Ibn al-Jawzī, *Muntaẓam*, 6:204 ff. (yr. 79). Taking Mālik's comments into account, the phrase "he (i.e., Muḥammad) crucified them [*ṣalabahum*]" seems to be but is not strictly anachronistic – it is after all merely an observation of the *awāʾil* category and ought to be taken *cum grano salis* (cf. Abū Dāwūd, *Sunan*, *bāb al-ṣalāh*, 1:104 (no. 591) wherein ʿUmar ibn al-Khaṭṭāb crucifies two slaves for killing their master, "and they were the first to be crucified in Medina [*kānā awwala maṣlūb*^{in} *bi-l-madīna*]").

[80] Ibn Ḥajar, *Tahdhīb*, 7:351–356, s.v. Qatāda ibn Diʿāma.

[81] Ṭayālisī, *Musnad*, 3:495 (no. 2114); ʿAbd al-Razzāq, *Muṣannaf*, 10:48 (no. 18538); Ibn Ḥanbal, *Musnad*, 3:163, 170, 233, 287, 290; Bukhārī, *Ṣaḥīḥ*, *bāb al-maghāzī,* 2: 835 (no. 4241); Tirmidhī, *Sunan*, *bāb al-ṭahāra*, 1:22 (no. 72); Nasāʾī, *Sunan*, *bāb taḥrīm al-dam*, 2:665 f. (nos. 4048–9, 4051); Ṭabarī, *Jāmiʿ al-bayān*, 10:244 f. (no. 11806); Ibn Hibbān, *Ṣaḥīḥ*, *k. al-ṭahāra*, 4:230 (no. 1388).

[82] Ibn Ḥajar, *Tahdhīb*, 4:338–46. According to Juynboll, Shuʿba was the first to put the tradition, "He who deliberately puts false statements into my mouth must occupy a place in Hell"; see, "Shuʿba al-Ḥajjāj (d. 160/776) and his position among the traditionists of Baṣra," 187–226.

[83] Though most scholars assign his death to the year 155 A.H., he reputedly became senile (i.e., *mukhṭalat*, 'mixed up') later in life, thereby damaging his reputation as a transmitter. The *rijāl* literature dates his senility inconsistently, variously dating the decline of intellect from as early as 132 to as late as 148 A.H. He was apparently one of the first figures to compile a *muṣannaf*. See Ibn Ḥajar, *Tahdhīb*, 4:63–66; al-Dhahabī, *Mīzān*, 2:151–153; W. Raven, "Saʿīd ibn Abī ʿArūba," 853a.

[84] Ibn Ḥajar, *Tahdhīb*, 3:11–16.

(d. 153/770),[85] and Hishām al-Dastawāʾī (d. *ca.* 153/770).[86] The latter two transmitted important attestations appearing in two of our earliest sources: In the *Muṣannaf* of ʿAbd al-Razzāq (d. 211/827) the transmission comes through ʿAbd al-Razzāq – Maʿmar – Qatāda – Anas, and in the *Musnad* of al-Ṭayālisī (d. *ca.* 204/819), himself a Baṣran scholar,[87] the transmission comes through Abū Dāwūd [al-Ṭayālisī] – Hishām – Qatāda – Anas. By far, however, Saʿīd ibn Abī ʿArūba proves to be the most prolific propagator of Qatāda's tradition despite his tepid reputation as a traditionist.

Remaining Traditions

I.4. The remaining traditions from Anas ibn Mālik are those which neither appear in any of the above streams nor do they have multiple attestations. As such, they are also notoriously difficult to date on the basis of internal evidence. *Isnād-cum-matn* analysis is of little avail here because there are no variants to be accounted for. Indeed, even the entire structure of the *isnād* of *āḥād*-traditions strikes one as a dubious artifice.[88] As Figure 3 demonstrates, charting the *isnād*s of these *āḥād*-traditions together produces the 'spidery shape' so often observed by Juynboll wherein there appears no clear common link. While the prosopographical literature of the *ḥadīth*-critics will be of some aid, their usefulness becomes increasingly limited in the absence of any external criteria by which one can evaluate the claims of the said literature about individual transmitters. After all, how is one to know which transmitters actually had a hand in the proliferation of the tradition and which are merely names arbitrarily inserted by the fabricator of the given tradition? Any attempt to date these traditions must rest entirely on external criteria and even then must be considered tenable in the absence of fuller evidence.

Each of these single strands represented in Figure 3 come attached to *matn*s that can be conveniently divided into one of two categories that greatly simplify analysis. I have included in the first category those traditions which fill in narrative gaps within the more standard,

[85] Ibn Ḥajar, *Tahdhīb*, 10:243–46; see also H. Motzki, *Die Anfänge*, *passim* and idem, "Der Fiqh des –Zuhrī," 9 f.
[86] Ibn Ḥajar, *Tahdhīb*, 11:43–45.
[87] Juynboll, "al-Ṭayālisī," 399a.
[88] Juynboll, "Early Islamic Society," 154.

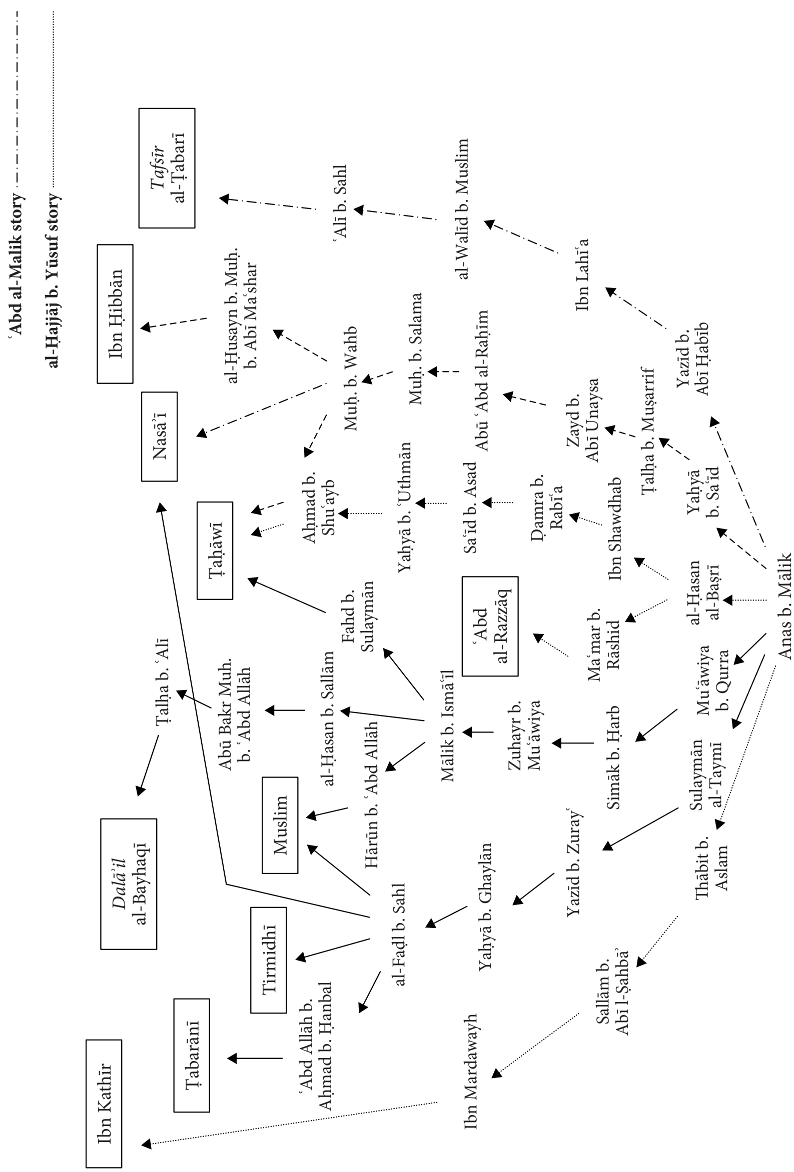


Figure 3. *Āḥād-Traditions* Attributed to Anas b. Mālik.

'*mutawātir*' versions of the Anas-tradition with expository details otherwise absent from the mainstream of the transmission-cluster. In the second category, I have placed four traditions containing brief remarks similar in resemblance and purpose to the ʿUmar II anecdote found in the *mawlā*-traditions analyzed above. Two of these, transmitted by independent authorities, include remarks on a letter written to ʿAbd al-Malik ibn Marwān (r. 65/685–86/708) by Anas ibn Mālik, and the third and fourth narrate Anas' rueful relating of the tradition to al-Ḥajjāj ibn Yūsuf (d. 95/714).

In the first category, Muslim, Ṭaḥāwī, and Bayhaqī record a tradition with expositions and expansions. These include the type of disease afflicting the tribe, an injured companion of the murdered shepherd who staggers back to Medina to inform the community about the tribe's misdeeds, and a mention of twenty youths sent in pursuit of the culpable tribe.[89] Each are transmitted on the authority of the *isnād* Mālik ibn Ismāʿīl[90] – Zuhayr ibn Muʿāwiya[91] – Simāk ibn Ḥarb[92] – Muʿāwiya ibn Qurra[93] – Anas. This *isnād* is marred by the reputation of the Kūfan, Simāk ibn Ḥarb, who many deemed a weak, i.e., *ḍaʿīf*, traditionist. Also in this category is a tradition that contains what seems to be a hagiographic gloss intended to offer justification for the gouging out of the criminals eyes by informing that the criminals had done so to the shepherd. The tradition does not actually relate the story of the tribe; rather, it only comprises this singular detail. It can be found in Muslim, Tirmidhī, Nasāʾī, and Ṭabarānī[94] with the *isnād*: al-Faḍl ibn Sahl – Yaḥyā ibn Ghaylān[95] – Yazīd ibn Zurayʿ – Sulaymān al-Taymī.[96] Yazīd ibn Zurayʿ (d. *ca.* 182/798) is the most conspicuous figure inasmuch as he plays a prominent role in the dissemination of both the traditions of Qatāda and al-Ḥajjāj al-Ṣawwāf. However, also conspicuous is Sulaymān al-Taymī who, although a prominent Baṣran

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[89] Muslim, *Ṣaḥīḥ*, *bāb al-qasāma*, 2:724 (no. 4450); Bayhaqī, *Dalāʾil al-nubuwwa wa-maʿrifat aḥwāl ṣāḥib al-sharīʿa*, 4:87; Ṭaḥāwī, *Sharḥ mushkil al-āthār*, 5:67 (no. 1818).

[90] Kūfan, d. 217/832; Ibn Ḥajar, *Tahdhīb*, 10:3 f.

[91] Kūfan, d. 123/740–1; Ibn Ḥajar, *Tahdhīb*, 4:232–4.

[92] Kūfan, d. *ca.* 173/789; Ibn Ḥajar, *Tahdhīb*, 3:351–3.

[93] Baṣran, d. 113/731–2; Ibn Ḥajar, *Tahdhīb*, 10:216 f.

[94] Muslim, *Ṣaḥīḥ*, *bāb al-qasāma*, 2:724 (no. 4453); Tirmidhī, *Sunan*, *bāb al-ṭahāra*, 1:23 (no. 73); Nasāʾī, *Sunan*, *bāb taḥrīm al-dam*, 2:667 (no. 4060); Ṭabarānī, *al-Muʿjam al-kabīr*, 12:250 (no. 13248).

[95] Baghdādī, d. 220/835; Ibn Ḥajar, *Tahdhīb*, 11:263 f.

[96] Baṣran, d. 143/760–1; Ibn Ḥajar, *Tahdhīb*, 4:201–3.

traditionist, is not known to have actually transmitted the tradition from Anas.

In the second category, Nasāʾī records the first of the ʿAbd al-Malik traditions in two identical instances.[97] The *isnād* runs as follows: Muḥammad ibn Wahb[98] – Muḥammad ibn Salama[99] – Abū ʿAbd al-Raḥīm[100] – Zayd ibn Abī Unaysa[101] – Ṭalḥa ibn Muṣarrif[102] – Yaḥyā ibn Saʿīd[103] – Anas ibn Mālik. The *isnād* contains three contemporaries, the Medinan Yaḥyā transmitting directly from Anas and then two Kufans, Ṭalḥa and Zayd. Thereafter, the *isnād* becomes exclusively Syrian. According to Nasāʾī, Abū ʿAbd al-Raḥīm, the first Syrian in the *isnād*, commented that, "We know of no one else to have related (a tradition) from Yaḥyā from Anas other than Ṭalḥa, but it is correct in my view [*wa-l-ṣawābu ʿindī*]."[104] The second ʿAbd al-Malik tradition is recorded in the *tafsīr* of Ṭabarī.[105] The *isnād* accompanying the tradition runs as follows: ʿAlī ibn Sahl – al-Walīd ibn Muslim – Ibn Lahīʿa – Yazīd ibn Abī Ḥabīb – Anas ibn Mālik. This *isnād* is defective inasmuch as the Egyptian transmitter, Yazīd ibn Abī Ḥabīb (d. 128/745–6), said to have been the first to bring learning to Egypt, neither met nor heard traditions from Anas – thus making the tradition *mursal*.[106] Morevover, ʿAbd Allāh ibn Lahīʿa, the famous Egyptian *qāḍī* and *akhbārī* known principally for early Islamic history in Egypt, has a reputation for being maladroit in *ḥadīth* transmission.[107]

Other stories accompanying the tradition mention al-Ḥajjāj ibn Yūsuf, the infamous governor of ʿIrāq. Ibn Kathīr records the sole instance of a transmission from Thābit ibn Aslam al-Bunānī (d. *ca.* 127/

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[97] Nasāʾī, *Sunan*, *bāb al-ṭahāra*, 1:49 (no. 308); ibidem, *bāb taḥrīm al-dam*, 2:666 (no. 4052); cf. Ṭaḥāwī, *Sharḥ mushkil al-āthār*, 5:47 (no. 1797) and Ibn Ḥibbān, *Ṣaḥīḥ*, *k. al-ṭahāra*, 4:226–28 (no. 1386).

[98] Syrian, died 243/857–8; Ibn Ḥajar, *Tahdhīb*, 9:506 f.

[99] Syrian, died 191/806–7; Ibn Ḥajar, *Tahdhīb*, 9:193–5.

[100] Syrian, died 144/761–2; Ibn Ḥajar, *Tahdhīb*, 3:132, s.v. Khālid ibn Abī Yazīd.

[101] Kufan, died 125/742–3; Ibn Ḥajar, *Tahdhīb*, 3:397 f.

[102] Kufan, died 122/740; Ibn Ḥajar, *Tahdhīb*, 5:25 f.

[103] Medinese, a *qāḍī*, died *ca.* 144/761–2; Ibn Ḥajar, *Tahdhīb*, 11:221–4.

[104] Nasāʾī, *Sunan*, *bāb al-ṭahāra*, 1:49 (no. 308).

[105] Ṭabarī, *Jāmiʿ*, 10:267 (no. 11854).

[106] Ibn Ḥajar, *Tahdhīb*, 11:318 f.; Mizzī, *Tahdhīb al-kamāl*, 3:362.

[107] Ibn Ḥajar, *Tahdhīb*, 5:374–79; Dhahabī, *Mīzān*, 2:475–83; Sezgin, *GAS*, 1:94. Some of his works are extant in papyri, see M.J. Kister, "Notes on the Papyrus Text about Muḥammad's Campaign against the Banū al-Naḍīr," 233–6 and R.F. Khoury, *ʿAbd Allāh ibn Lahīʿa (97–174/715–790), juge et grand maître de l'École égyptienne: Avec édition critique de l'unique rouleau de papyrus arabe conservé à Heidelberg.*

744–5), a Baṣran known to have sometimes mixed up (*ikhtalaṭa*) his *ḥadīth* and to have been a story-teller (*qāṣṣ*), a profession not highly esteemed by the traditionists.[108] The mediocre reputation of Thābit may explain why the actual text of his *aḥādīth* fails to appear in nearly all the sources. Although Thābit appears in various *isnād*s, his name always appears as a sidelight for noting known variants in the tradition; otherwise, the putative text of his tradition, with the exception of Ibn Kathīr's record taken (likely) from the lost *tafsīr* of Ibn Mardawayh,[109] never surfaces. In Ibn Kathīr's *tafsīr*, the tradition carries the following *isnād*: Ibn Mardawayh – Sallām ibn Abī l-Ṣahbāʾ – Thābit – Anas ibn Mālik. Sallām ibn Abī l-Ṣahbāʾ registers in the *rijāl*-works as a mendacious forger of *ḥadīth* who, moreover, attributes his *ḥadīth* to Anas via Thābit.[110] Ṭaḥāwī gives a different *isnād* for a nearly identical story that runs: Yaḥya ibn ʿUthmān – Saʿīd ibn Asad – Ḍamra ibn Rabīʿa[111] – Ibn Shawdhab[112] – al-Ḥasan al-Baṣrī. Here, on the basis of the *isnād* and the *ʿilm al-rijāl* literature, the origins of the story seems likely be the Palestinian Ḍamra ibn Rabīʿa, who the traditionists consider *ṣāliḥ*, a term usually denoting an otherwise pious traditionist known to ascribe spurious, though innocuous or even edifying, material to his predecessors.[113] Yet how do we assign responsibility for one story to two different persons? Further complicating matters, ʿAbd al-Razzāq mentions the traditions from Maʿmar from al-Ḥasan as well, in a much abbreviated form and with a harsher take on Anas' actions, so we have three single-strands of diverse geographical provenance: Egypt, Palestine and Ṣanʿāʾ. This *isnād* provides us with at least *a post ante quem* for the content of this single-strand tradition to the 2nd century A.H.; *matn*-analysis ought to take us even further back.

The ʿUrwa/ʿĀʾisha and Ibn ʿUmar Traditions

I.5. Among the other transmissions of the ʿUrayna incident, there are the 'family-*isnād*s' ascending from ʿUrwa ibn al-Zubayr (d. ca. 94/712–3;

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[108] Ibn Ḥajar, *Tahdhīb*, 2:2–4, s.v. Thābit ibn Aslam al-Bunānī, Abū Muḥammad al-Baṣrī; Ibn ʿAdī, *al-Kāmil fī ḍuʿafāʾ al-rijāl*, 2:526–8; Mizzī, *Tahdhīb al-kamāl*, 4:342–9.

[109] Sezgin, *GAS*, 1:225.

[110] Ibn ʿAdī, *al-Kāmil*, 3:1151 f.; Dhahabī, *Mīzān*, 2:180; cf. Juynboll, *Muslim Tradition*, 143 f.

[111] Died 202/817–8, Syrian: Ibn Ḥajar, *Tahdhīb*, 4:460 f.

[112] Baṣran but settled in Jerusalem later in life, died *ca.* 144/761–2; Ibn Ḥajar, *Tahdhīb*, 5:255 f.

[113] Juynboll, "Ṣāliḥ," 982 f.

see Figure 4), the eminent Medinan traditionist and younger brother by twenty-years of the 'counter-caliph' ʿAbd Allāh ibn al-Zubayr (d. 73/692).[114] These traditions survive through multiple, early attestations on the authority of both Hishām ibn ʿUrwa (d. 146/763-4) and ʿUrwa's orphan (*yatīm*), Abū l-Aswad (d. 137/754-5? – see below). These traditions are ostensibly derived from the *maghāzī* material of ʿUrwa,[115] although there are indications to the contrary. All of the earliest attestations to this tradition possess *mursal-isnād*s lacking the authority of a companion of Muḥammad. Our first and earliest extant ʿUrwa-tradition in a written source appears in the preserved fragments of the *Muwaṭṭaʾ* of ʿAbd Allāh ibn Wahb (125/743–197/813).[116] This tradition appears with a collective-*isnād* running as follows:

> Ibn Wahb – Yaḥyā ibn ʿAbd Allāh ibn Sālim and Saʿīd ibn ʿAbd al-Raḥmān and Ibn Samʿān – Hishām ibn ʿUrwa – ʿUrwa ibn al-Zubayr
>
> Ibn Wahb – Ibn Lahīʿa – Abū al-Aswad – ʿUrwa ibn al-Zubayr

As can be observed in the *isnād*-chart of Figure 4, Ibn Wahb invariably appears as the most important propagator of the *matn* of this ʿUrwa-tradition as he remains the principal source for the same tradition in both the *tafsīr* of Ṭabarī and the *Sunan* of Nasāʾī. In the above *isnād* there also appear many figures of ill-repute that nonetheless consistently serve as an important sources for Ibn Wahb's traditions throughout the rest of his corpus. Evidence exists of a number of efforts to 'clean up' Ibn Wahb *isnād*s by purging them of their most notorious elements. For example, Nasāʾī gives the following *isnād*: Aḥmad ibn ʿAmr – ʿAbd Allāh ibn Wahb – Yaḥyā ibn ʿAbd Allāh and Saʿīd ibn ʿAbd al-Raḥmān and another [= Ibn Samʿān] – Hishām ibn ʿUrwa – ʿUrwa ibn al-Zubayr.[117] The unnamed transmitter of the *isnād*, as can be gleaned from Ibn Wahb's *Muwaṭṭaʾ* and Ṭabarī's *tafsīr*,[118] ought to be identified with the Medinan *qāḍī*, ʿAbd Allāh ibn Ziyād, known

[114] See G. Schoeler, "ʿUrwa ibn al-Zubayr," 910 b–913 a; *idem*, "Foundations for a New Biography of Muḥammad: The Production and Evaluation of the Corpus of Traditions according to ʿUrwa ibn al-Zubayr," 21–8.

[115] While it is likely that ʿUrwa transmitted numerous *maghāzī* traditions, that he compiled an actual *maghāzī* work seems unlikely; see G. Schoeler, *Charakter und Authentie*, 31 f.; *idem*, *Écrire et transmettre dans le début d'islam*, 47–9.

[116] Ibn Wahb, *al-Muwaṭṭaʾ*, *k. al-muḥāraba*, 321 (fol. 2 verso, l. 26 – fol. 3 recto, l. 4).

[117] Nasāʾī, *Sunan*, *bāb taḥrīm al-dam*, 2:667 (no. 4057).

[118] Ṭabarī, *Jāmiʿ*, 10:248 (no. 11812).

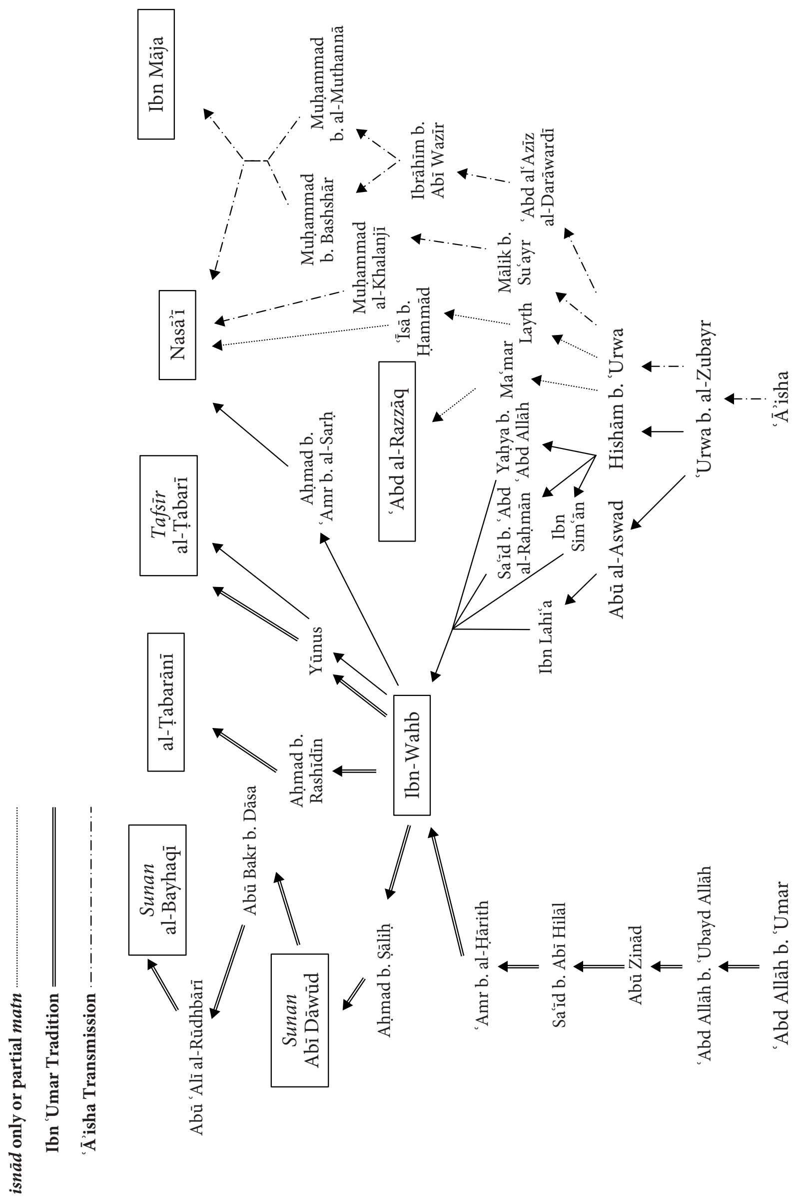


Figure 4. The ʿUrwa b. al-Zubayr and Ibn ʿUmar *Isnād*-Cluster.

as Ibn Samʿān.[119] Nasāʾī drops his name from the *isnād* undoubtedly due to his overwhelmingly notorious reputation as a liar and forger of *ḥadīth*, in particular with regard to narrations from Hishām[120] – indeed this practice of dropping Ibn Samʿān's name from a Medinan *isnād* can even be seen in the collection of Bukhārī.[121] According to Dhahabī, al-Walīd ibn Muslim wrote down a book from Ibn Samʿān, but while sleeping, he relates, "I saw the Prophet and said, 'O messenger of God, this Ibn Samʿān related a *ḥadīth* from you!' He said, 'Command Ibn Samʿān to fear God and not to lie against me!' "[122] Despite the widespread repudiation of his traditions, Ibn Wahb, unmoved, consistenly utilizes Ibn Samʿān as one of his principal sources. Indeed, according of Ibn ʿAdī, "The one to transmit from him most is Ibn Wahb [*arwā al-nāsi ʿanhu ʿAbd Allāh ibn Wahb*]."[123] Beside Ibn Samʿān, one finds Saʿīd ibn ʿAbd al-Raḥmān (d. 176/792–3), also a *qāḍī* both in Baghdād and Medina who had a reputation for carelessness (*līn*) in his transmission of *ḥadīth*,[124] and Yaḥyā ibn ʿAbd Allāh (d. 153/770), an Egyptian traditionist from Medina and descendant from the Caliph ʿUmar who is impugned for being truthful but unreliable, "*ṣadūq, ḍaʿīf al-ḥadīth*".[125] Ibn Wahb also provides the *matn* with another Egyptian *isnād* replacing Hishām with Abū l-Aswad. Abū l-Aswad, the orphan [*yatīm*] of ʿUrwa, settled in Egypt in 136 A.H., according Ibn Lahīʿa (who also transmits this tradition from him), where he taught his *maghāzī* shortly prior to his death in 137 A.H.[126] Abū l-Aswad appears always as Ibn Lahīʿa's informant for the *maghāzī* of ʿUrwa.[127] This Egyptian link

[119] M. Muranyi, *ʿAbd Allāh ibn Wahb (125/743–197/812), Leben und Werk*, 144 f.
[120] Ibn Ḥajar, *Tahdhīb*, 5:219 f.
[121] M. Muranyi, *ʿAbd Allāh ibn Wahb (125/743–197/812), Leben und Werk*, 145.
[122] Dhahabī, *Mīzān*, 2:434 f.
[123] Ibn ʿAdī, *Kāmil*, 4:1446; M. Muranyi (*ʿAbd Allāh ibn Wahb (125/743–197/812), Leben und Werk*, 145) speculates that Ibn Samʿān's poor reputation may have arisen more from inter-scholarly rivalries more than actual forgery.
[124] Ibn Ḥajar, *Tahdhīb*, 4:55 f.; cf. Baghdādī, *Tārīkh Baghdād*, 9:67; M. Muranyi, *ʿAbd Allāh ibn Wahb (125/743–197/812), Leben und Werk*, 183 f. On the role of *qāḍī*s in the proliferation of the prophetic tradition, see G.H.A. Juynboll, *Muslim Tradition*, 77–95, esp. 84.
[125] Ibn Ḥajar, *Tahdhīb*, 11:239 f.
[126] Ibn Ḥajar, *Tahdhīb*, 9:307 f.; there is considerable disagreement over the year of his death, dated by some as early as 117–119 or 131 A.H., all much earlier than the relocation to Egypt that he is said to have undertaken and dated by Ibn Lahīʿa to 136 A.H.
[127] M. Muranyi, *ʿAbd Allāh ibn Wahb (125/743–197/812), Leben und Werk*, 100, 105 f.; R. Khoury, *Ibn Lahīʿa*, 60 f., 112.

has been shown by Schoeler and others to be problematic vis-à-vis the rest of the ʿUrwa corpus.[128] Hence, each *isnād* provided by Ibn Wahb proves to be deeply problematic under inspection. Given the fact that any clear attribution of the *matn* remains ambiguous due the usage of a collective *isnād*, ascription must remain deferred for the moment.

Beyond Ibn Wahb, we find several interesting instances of the ʿUrwa-tradition. Most important among them is the record of ʿAbd al-Razzāq transmitted from Maʿmar.[129] That Maʿmar would transmit this tradition runs contrary to one's expectations, for as Motzki observes, ʿAbd al-Razzāq usually transmits the traditions of ʿUrwa from Ibn Jurayj (d. 150/767), a student of ʿUrwa's son Hishām.[130] Nevertheless, the mere recording of the tradition by ʿAbd al-Razzāq lessens the plausibility that Ibn Wahb's *isnād* is a wholesale fabrication by demonstrating the circulation of the tradition outside Egypt and independent of Ibn Wahb during his lifetime. Nasāʾī also records another ʿUrwa-tradition transmitted by a more highly esteemed student of Hishām, al-Layth ibn Saʿd (ibn 175/791–2),[131] to ʿĪsā ibn Ḥammād (d. 248/862–3).[132]

Occasionally, ʿĀʾisha also appears in the *isnād* as ʿUrwa's informant for same exact tradition, exhibiting what Schacht called the 'backward growth of *isnād*s'.[133] Two are extant, one of Baṣran extraction and the other of Kūfan origins. The Baṣran version transmitted from Hishām comes through the Medinan, ʿAbd al-ʿAzīz ibn Muḥammad al-Darāwardī (d. 187/803),[134] to the Baṣran, Ibrāhīm ibn Abī Wazīr (d. 212/827–8),[135] to two more Baṣran traditionists who appear as transmitters of the Anas-tradition, Muḥammad ibn al-Muthannā and Muḥammad ibn Bashshār.[136] Nasāʾī also records an identical tradition transmitted, again from Hishām, to the Kūfan, Mālik ibn Suʿayr (d. *ca.*

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[128] G. Schoeler, *Charakter und Authentie*, 81–5; cf. H. Motzki, "The Murder of Ibn Abī l-Ḥuqayq," 222–4 and A. Görke, "The Historical Tradition about al-Ḥudaybiya: A Study of ʿUrwa ibn al-Zubayr's Account," 256–8.

[129] ʿAbd al-Razzāq, *Muṣannaf*, 10:48 (no. 18539).

[130] See H. Motzki, *Die Anfänge,* 197–9/*Origins*, 220–22 *et passim*.

[131] Nasāʾī, *Sunan, bāb taḥrīm al-dam*, 2:667, (no. 4057); Ibn Ḥajar, *Tahdhīb*, 8:459–65.

[132] Concerning his traditions from Layth, Ibn Ḥajar notes that, "He was the last to narrate from him among the trustworthy [*huwa ākhir man ḥaddatha ʿanhu*]"; see *Tahdhīb*, 8:209.

[133] Schacht, *Origins*, 166.

[134] Ibn Ḥajar, *Tahdhīb*, 6:353–55.

[135] Ibn Ḥajar, *Tahdhīb*, 1:147, s.v. "Ibrāhīm ibn ʿUmar ibn Muṭarrif".

[136] Nasāʾī, *Sunan*, *bāb taḥrīm al-dam*, 2:667 (no. 4055); Ibn Māja, *Sunan*, *bāb al-ḥudūd*, 1:375 (no. 2677).

200/815–6),[137] and then to the Yamanī, Muḥammad ibn ʿAbd Allāh al-Khalanjī.[138] Both of these transmitters receive mixed evaluations among the *ḥadīth* scholars. Generally speaking, the ʿĀʾisha traditions are most likely regional, ʿIrāqī adaptations of the Egyptian traditions. These ʿIrāqī adaptations thus represent a later stage in which the *isnād* of the ʿUrwa tradition had been improved.

Because of a number of important features that it shares with the ʿUrwa tradition, the tradition of Ibn ʿUmar (d. 73/693)[139] must be discussed as well. Ibn Wahb appears again as the earliest collector of the tradition, although his text is no longer extant.[140] The *isnād* in Abū Dāwūd's *Sunan* appears as follows:

> Aḥmad ibn Ṣāliḥ – Ibn Wahb – ʿAmr ibn al-Ḥārith[141] – Saʿīd ibn Abī Hilāl[142] – Abū Zinād[143] – ʿAbd Allāh ibn ʿUbayd Allāh ibn ʿUmar – Ibn ʿUmar

The tradition exhibits Egyptian transmitters in its more recent sections and Medinan transmitters in its most antique. Such a trend is typical in Egyptian *isnād*s, and here the key figures causing the geographic shift are Abū Zinād and Saʿīd ibn Abī Hilāl. Conspicuous also is ʿAbd Allāh ibn ʿUbayd Allāh ibn ʿUmar. Although putatively transmitting the tradition from his uncle, Ibn ʿUmar, ʿAbd Allāh is probably a fictitious transmitter invented by one of the transmitters following him (likely Abū Zinād who is the sole traditionist to narrate from him) to provide a source for the narration of the tradition from Ibn ʿUmar.[144] Ṭabarānī states that some say the transmitter could be ʿAbd Allāh ibn

[137] Ibn Ḥajar, *Tahdhīb*, 10:18.

[138] Nasāʾī says that he settled in Jerusalem where he personally wrote down Muḥammad al-Khalanjī's traditions, "*katabtu ʿanhu bi-Bayt al-Muqaddas*"; see Ibn Ḥajar, *Tahdhīb*, 9:249. For the traditions, see Nasāʾī, *Sunan*, *bāb taḥrīm al-dam*, 2:667 (no. 4054).

[139] L. Veccia Vaglieri, "ʿAbd Allāh ibn ʿUmar," 53 f.

[140] Abū Dāwūd, *Sunan*, *bāb al-ḥudūd*, 2:729 (no. 4371); Ṭabarānī, *Muʿjam*, 12:250 (no. 13247); Bayhaqī, *Sunan*, *k. al-sariqa*, 8:282.

[141] Egyptian, d. 147/764–5; see Ibn Ḥajar, *Tahdhīb*, 5:14–16; M. Muranyi, *ʿAbd Allāh ibn Wahb (125/743–197/812), Leben und Werk*, 113 ff.

[142] Born in Egypt in 70, but grew up in Medina. During the reign of Hishām ibn ʿAbd al-Malik (r. 105/724–125/743), he later returned to Egypt where he died in the year 135/752–3; see Ibn Ḥajar, *Tahdhīb*, 4:94 f.

[143] Medinan, d. 130/747–8; see Ibn Ḥajar, *Tahdhīb*, 5:203–205, s.v. ʿAbd Allāh ibn Dhakwān.

[144] Ibn Ḥajar, *Tahdhīb*, 5:306.

ʿUbayd Allāh ibn ʿUtba,[145] but this comment is probably speculative and meant to assuage the doubts surrounding the transmission of the tradition.

II. *Matn* Analysis

The Anas ibn Mālik Tradition

Despite the numerous variations between the Anas-traditions, each of its transmission streams shows internal affinities indicative of an evolution that conforms to each respective line of transmission as well as external affinities between transmission streams that point to an origin in an earlier, common source. The affinities of these series of streams for one another occur on the most basic structure of the narrative and within specific individual streams. In addition, this affinity can extend down to the more detailed facets of the tradition such as wording, legal reasoning and narrative flourish. This affinity between the traditions in the broadest observable correspondence can best be explained by a common source which generated the transmission cluster as a whole, attributable perhaps to Anas ibn Mālik or certainly to a Baṣran milieu of scholarship if not attributable to a single, known person. As the following analysis will show, this common source establishes the template for the subsequent transmission streams inasmuch it provides the basic narrative structure of each, even if not necessarily the specifics of content. Such a template can be discerned and recovered, moreover, despite certain 'corruptions' introduced throughout the transmission process. The following analysis takes into account the significance of the evolution of each stream while simultaneously taking into account the structural similarities between them. Taken together, the Baṣran template that remains from this proto-tradition emerges with increasing clarity. As a result of the analysis to follow, certain data present in the 'template' tradition will also become discernable. In order to facilitate the readers' ability to conceptualize this process, I have divided each tradition into literary units and numbered each unit helping make subsequent comparisons, the author hopes, straightforward and lucid.

[145] Ṭabarānī, *Muʿjam*, 12:250 (no. 13247).

The Abū Qilāba Traditions

II.1. The sundry Abū Qilāba traditions represent a vast variety of transmissions of the Anas-tradition and serve as an important introduction into the extent to which a given tradition can evolve and change in the course of its transmission. Here, however, it would be fortuitous to divide these permutations into two categories. The first is more anodyne. Changes in word order and vocabulary are typical, touchstone marks of a pre-literary stage of oral transmission and aural reception, and/or a stage wherein both oral and written forms existed side by side in a dialectical relationship to one another.[146] These changes represent neither serious adulterations to the text nor serious expansions upon it – indeed, they are in a sense integral manifestations of an oral text that is, by virtue of its orality, always in flux and, therefore, cannot be said to depart from an original, uncorrupted wording. The second category comprises those changes in the text that add significant details or glosses to a text – whether as juridical commentary, as narrative flourish, or any other manner of additions that one may find. These, I argue, can be distinguished from the first category of changes in that they are: 1) specific to a transmission stream or a tributary of that stream, and 2) appear at a certain date within a section of a transmission stream which one can localize with an approximate period or person in an *isnād*. This entirely depends on the utilization of both the *isnād* and the *matn* together as equally useful artifacts of the process of scholarly transmission – i.e., in what Motzki calls an *isnād-cum-matn* analysis.

II.1.a The Ayyūb cluster bears the overall coherence spoken of above in its two principal permutations, and an examination of two of these permutations provides a nice segue into the dynamic of how the transmission processes described above play out. The following tradition represents the transmission of Wuhayb from Ayyūb:

[146] Occasionally, the origins of these variant can be due to the orthographic ambiguity of Arabic script as well as oral transmission, and occasionally the variant could equally plausibly be attributed to oral or written transmission. Indeed, these two types of transmission often co-existed. See G. Schoeler, *Charakter und Authentie*, 57 f. In general, I have attempted to distinguish these minor variants from larger evolutions in content following guidelines exposited in W. al-Qāḍī, “Early Islamic State Letters: The Question of Authenticity,” 249–53.

> Mūsā ibn Ismāʿīl – Wuhayb – Ayyūb – Abū Qilāba – Anas ibn Mālik: "{1}A band from ʿUkl approached the Prophet, {2} and the air of Medina made them ill [*fa-ijtawaw al-madīna*]. {3} They were at the Prophet's portico [*kānū fī l-ṣuffa*],[147] {4} so they said, 'O Messenger of God, we need relief [*abghinā risl^an*]!" {5} He said, "I don't find anything for you except that you go out to the camels [*illā an talḥaqū bi-l-dhawd*]." {6} They came to them and drank their urine and milk until they became healthy and fat [*ḥattā ṣaḥḥū wa-saminū*]. {7} They killed the shepherd, {8} and herded off the camels [*al-dhawd*]. {9} The cry reached the Prophet [*atā al-nabīya ṣlʿm al-ṣarīkhu*],[148] {10} so he dispatched pursuants in their tracks [*fa-baʿatha al-ṭalab fī āthārihim*]. {11} The dawn had not yet passed when {12} they were brought forth. {13} He cut off their hands and feet. {14} Then he requested some nails, they were heated up, {15} and he branded their eyes [*kaḥalahum*].[149] {16} He did not finish them off.[150] {17} He cast them into the lava field [*al-ḥarra*][151] {18} crying out for water, but none was given until they died." Abū Qilāba said, "They stole and made war against God and his Messenger."[152]

Three organizational divisions can be seen framing the narrative: 1) *isnād*, 2) *matn*, and 3) Abū Qilāba's gloss. This remains salient in these two Baṣran versions of Ayyūb's transmission and, hence, provides the careful observer with the common elements dateable to Ayyūb's version. As one can see below, the narrative structure perceptible in the above tradition survives in Ḥammād's transmission from Ayyūb but with some significant variants appearing in textual content:

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[147] An indication of their poverty, i.e., they lived a life of poverty at the '*ṣuffa*' (variously translated as 'bench', 'portico', or 'vestibule') of the Mosque of Medina being entirely dependent upon the magnanimity of the Prophet. See W.M. Watt, "Ahl al-Ṣuffa," 266.

[148] This could be alternatively translated as, "The warner [*al-ṣarīkh*] came to the Prophet." An *āḥād*-tradition transmitted on the authority of Muʿāwiya ibn Qurra make this explicitly the case; see below.

[149] I.e., with the nails; cf. Bukhārī, *Ṣaḥīḥ*, *bāb al-jihād*, 2:584 (no. 3055), which reads "*wa-kaḥalahum bihā*."

[150] Or perhaps, "he did not cauterize them (i.e., their limbs) [*mā ḥasamahum*]." See below.

[151] Lava fields, or *ḥarrāt*, were and continue to be a widespread geological feature of what is now modern-day Western Saudi Arabia – particularly in regions close to Medina; see *EI*², s.v. *ḥarra*.

[152] Bukhārī, *Ṣaḥīḥ*, *bāb al-muḥāribīn*, 2:1372 (no. 6892): cf. ibidem, *bāb al-jihād*, 2:584 (no. 3055) where the number eight is added to unit {1}, "they disbelieved after having converted to Islām [*wa-kafarū baʿda islāmihim*]" appears after unit {6}, the comment "they were not cauterized/finished off" of unit {16} is dropped, and "and they spread corruption on the earth" is added to Abū Qilāba's comments echoing Qurʾān 5:33.

> Sulaymān ibn Ḥarb – Ḥammād ibn Zayd – Ayyūb – Abū Qilāba – Anas. He said:
> "{1} Some people from ʿUkl or ʿUrayna came [*qadima unās^{un} min ʿukl^{in} aw ʿurayna*], {2} and the air of Medina made them ill [*fa-ijtawaw al-madīna*]. {3} So the Prophet ordered milch-camels for them [*fa-amara lahum al-nabī ṣlʿm bi-liqāḥ^{in}*] to drink from their (i.e., the camels) urine and milk. {4} They headed off, and when they became healthy, {5} they killed the shepherd of the Prophet {6} and herded off the livestock [*istāqū l-naʿam*]. {7} The news came {8} at the break of dawn. {9} He sent (someone)[153] in their tracks [*baʿatha fī āthārihim*]. {10} When dawn had passed, {11} he brought them. {12} Then he gave an order, {13} so their hands and feet were cut off, {14} their eyes were poked out (with nails?-S.A.) [*wa-summirat aʿyunuhum*], {15} they were cast out in the lava field {16} crying out for water but none was given [*tastaqūna fa-lā yusqawna*]." Abū Qilāba said, "These people [*fa-hāʾulāʾi*] stole, killed, disbelieved after their having believed [*baʿda īmānihim*], and made war against God and his Messenger."[154]

The narrative structure remains clearly preserved between the two despite difference, e.g., in the reported speech of the tribe requesting relief from their sickness present in Wuhayb's version but absent from Ḥammād's.[155] The overlaps in the numbered literary-sections are considerable, especially in details regarding names (both agree on ʿUkl being the name of the tribe) and the (approximate) time and place, viz., at dawn and near the lava field of Medina. What differences exist even within the transmissions are easily attributable to the vicissitudes of oral transmission. For instance, an important difference occurs in Ḥammād's versions with the usage of the verb "*summirat*" – a lexical oddity probably arising from an orthographic corruption of the more well-known "*samala*," or perhaps a lapse in the oral transmission of the same. The resulting oddity, "*sammara*", may intentionally be a verb derived from the root for nail (Ar., *mismār*). Hence, Wuhayb's version, mentioning the additional detail of heating up nails and using them for the gouging out of the eyes of tribe, functions as a expanded description and, perhaps, even as a gloss on the arcane verb-usage.[156]

[153] Cf. Bukhārī, *Ṣaḥīḥ*, *bāb al-muḥāribīn*, 3:1372 (no. 6893), also transmitted from Ḥammād, where the pursuants (*al-ṭalab*) are mentioned.

[154] Bukhārī, *Ṣaḥīḥ, bāb al-wuḍūʾ*, 1:51 (no. 234); cf. ibidem, *bāb al-muḥāribīn*, 3:1372 (no. 6893); Abū Dāwūd, *Sunan*, *bāb al-ḥudūd*, 2:728 (no. 4368).

[155] The insalubrious environment of Medina is a common *topos* running through the *ḥadīth* literature; cf. the illness of Abū Bakr and Bilāl upon their emigration there in Mālik ibn Anas, *Muwaṭṭaʾ*, *k. al-jāmiʿ*, 351 (no. 1614).

[156] This is the most characteristic feature of Wuhayb's transmission; cf. Abū Dāwūd, *Sunan*, *bāb al-ḥudūd*, 2:729 (no. 4367); Bayhaqī, *Dalāʾil*, 4:87 f.

Another new variance is the statement of doubt regarding the name of the tribe, which all traditions transmitted through Ḥammād have. Ibn Ḥajar assigns the doubt concerning the name with him specifically "*al-shakk fīhi min Ḥammād*."[157] It is possible that this conscientious addition was added by Ḥammād – perhaps himself aware of the different traditions already in existence, yet the same feature can be found without Ḥammād, especially in transmissions from Anas through his student Qatāda (see below). One of the Kūfan versions of this Ayyūb tradition also contains this doubt as well, but probably for different reasons.

It is not uncommon for a tradition to make a 'geographical jump' wherein the *isnād* changes, for example, from Baṣran to Kūfan, to Egypt or to Yemen. This process occurs in numerous ways – sometimes due to the peripatetic career of one particularly prominent scholar (genuine transmission) and at other times through the wholesale co-opting of the tradition by another region (dubious transmission). Geographic shifts from the former scenario can be found in two traditions transmitted with only a single attestation: one transmitted from Ayyūb through Jarīr ibn Ḥāzm recorded by Ibn Wahb and reproduced by Ṭaḥāwī[158] and the other through Maʿmar recorded by ʿAbd al-Razzāq. The *matn*s of both texts, while conforming to the general template of narrative, contain none of the idiosyncrasies specific to the two versions above and bears the marks in vocabulary of each of independent transmission of both. The latter reads as follows:[159]

> ʿAbd al-Razzāq – Maʿmar – Ayyūb – Abū Qilāba – Anas ibn Mālik said: "{1} A group approached Medina, {2} and the air of Medina made them ill [*ijtawaw al-madīna*]. {3} The Prophet ordered some cattle for them [*amarahum al-nabī ṣlʿm bi-naʿam*[in]], {4} and he allowed them (to drink from) [*adhina lahum*] their urine and milk. {5} When they became well, {6} they killed the shepherd {7} and herded off the camels [*al-ibil*]. {8} They were brought to the Prophet, {9} then he cut off their hands and legs {10} gouged out their eyes [*wa-samala aʿyunahum*]. {11} They were left to die [*turikū ḥattā mātū*].

157 Ibn Ḥajar, *Fatḥ*, 1:349.

158 Ibn Wahb, *al-Muwaṭṭaʾ, k. al-muḥāraba*, 322 (fol. 2 verso, l. 13); Ṭaḥāwī, *Sharḥ mushkil al-āthār*, 5:64 (no. 1813). The authenticity of this tradition is more difficult to determine due to the fact that it is only partially transmitted. Those parts which are recorded, however, conform to the general features of the Ayyūb transmission from Abū Qilāba, especially the inclusion of Abū Qilāba's gloss on the tradition.

159 ʿAbd al-Razzāq, *Muṣannaf*, 9:115 (no. 17132).

Here, there are several indications of genuine transmission in both incidents despite the fact each *isnād* appear to be, in Juynboll's parlance, a 'dive'.[160] There are two important observations to be made here, one positive and the other negative. Firstly, although the text shows signs of abbreviation vis-à-vis the rest of tradition complex, it nonetheless reproduces the basic structure of the Ayyūb tradition while exhibiting a vocabulary noticeably different than the traditions with better attestations and fuller content. Secondly, it is important to observe its negative qualities, i.e., it does not share in the characteristics of the *matn*s of contemporary traditionists, Wuhayb and Ḥammād, making the likelihood of borrowing or dependence small.

Geographic shifts in a tradition do not always produce a genuine instance of transmission, however. In contrast to the shift observed above, the following Kūfan version, to which there is only a single attestation, offers us an example of a more dubious instance of a geographic shift.

> Aḥmad ibn Sulaymān – Muḥammad ibn Bishr – Sufyān [al-Thawrī] – Ayyūb – Abū Qilāba – Anas.
> He said: "{1}A group from ʿUkl or ʿUrayna came to the prophet, {2a} so he ordered them – {3} the air in Medina made them ill [*ijtawaw al-madīna*] – {2b} to go out to the camels or milch-camels [*bi-dhawd*^{in} *aw bi-liqāḥ*^{in}] {3} while drinking [the camels'] milk and urine. {4}Then they killed the shepherd {5} and herded off the camels. {6} So he ordered their pursuit, {7} and then he cut off their hands and their legs {8} and gouged out their eyes [*wa-samala aʿyunahum*]."[161]

Textually, the Kūfan tradition seems to be the hybrid product of the two Baṣran traditions from Wuhayb and Ḥammād. The usage in the Kufan tradition of *dhawd* resemble the narration from the Wuhayb's

[160] Juynboll would, of course, likely argue that each 'dive' owes its existence not to the path of transmission presented by the *isnād* but in the collectors' appropriation of a pre-existing *matn,* for which the collector, then, provides a spurious *isnād*. For example, see his critique of Motzki in "New Perspectives in the Study of Early Islamic Jurisprudence?," 358–61. Juynboll's explanation of the 'dive' phenomenon has instrinsic merits to recommend it, but his assumption that all 'dives' *necessarily* must be the creation of the redactor who collects them is unwarranted – especially when the evidence suggests alternative possibilities as above. As Motzki has shown, such a mendacious undertaking on the part of the *ḥadīth*-collectors would be too difficult to sustain and propagate and most of the variants and modifications would be too inconsistent, too haphazard, too prosaic, and too banal for their to have created an overriding motive for a scholar, who ostensibly claims to be a collector, to jeopardize his reputation by making wholesale forgeries (cf. Motzki, *Origins*, 72 f., n. 105).

[161] Nasāʾī, *Sunan*, *bāb taḥrīm al-dam*, 2:664 (no. 4044).

transmission whereas the usage of *liqāḥ* resembles the narration from the Ḥammād. Note that both are preserved. With regard to the doubt between the names, as noted above, it is most likely that the phenomenon reflects a conscious attempt to reconcile or accommodate the contradiction between the differing versions of traditions – some having previously assigned the name ʿUkl and the others the name ʿUrayna to the tribe in question – seen first in the transmission of Ḥammād. This circumspect approach of mentioning both names is merely co-opted in the Kūfan tradition. Conspicuously absent as well is the entire concluding section of the narrative, including the tribemen's death and the comments of Abū Qilāba. Likewise, the other Kūfan version, transmitted from Sufyān by Qabīṣa ibn ʿUqba as a gloss on Qurʾān 5:33, lacks any coherent similarity to the other tradition because it has been severely abbreviated. One may conjecture that this represents an earlier form of the tradition from Sufyān, perhaps originating as didactic gloss of Qurʾān 5:33.[162]

II.1.b. The Syrian transmission of Abū Qilāba likewise has its own characteristic features. As noted above in the *isnād* analysis, the structure and imprint of the majority of the extant texts must be assigned to al-Walīd ibn Muslim being that he appears almost universally as the principal propagator of the tradition. Inasmuch as his text resembles other transmissions streams, however, the antiquity of the content of his transmission can be more credulously sustained. The most widespread tradition runs as follows:

> ʿAbd Allāh ibn Aḥmad – Aḥmad ibn Ḥanbal – al-Walīd ibn Muslim – al-Awzāʿī – Yaḥyā ibn Abī Kathīr – Abū Qilāba al-Jarmī – Anas ibn Mālik. He said:
> "{1} Eight people from ʿUkl came to the Prophet {2} then embraced Islam [*aslamū*]. {3} The air of Medina made them ill, {4} so the Messenger of God ordered them to go to the *ṣadaqa* camels and to drink from their urine and milk. {5} They did so and became well. {6} Then they apostatized [*irtaddū*], {7} killed their (i.e., the camels' –S.A.) shepherds, {8} and herded them off. {9} The Messenger of God sent trackers after them [*baʿatha rusūlu Allāhi ṣlʿm fī ṭalabihim qāfat*[an]]. {10} They were brought to him, {11} then he cut off their hands and feet, {12} and he did not cauterize them [*lam yaḥsimhum*] so that they died. {13} and, he poked out their eyes [*wa-samala aʿyunahum*]."[163]

[162] Although unrecorded by him, ʿAbd al-Razzāq seems to also have been cognizant of either a comment or a tradition from Sufyān; see *Muṣannaf*, 9:115 (no. 17133).
[163] Aḥmad ibn Ḥanbal, *Musnad*, 3:198.

The principal transmitter of this tradition, from whom we have a complete text, is al-Walīd ibn Muslim; therefore, the versions of his transmissions must inevitably establish the norm for this transmission stream. Most of the texts transmitted through him are characterized by 1) the parallel *aslamū-irtaddū* construction (a common marker of the bifurcation of the narration in two parts as seen above), 2) the mention of *ṣadaqa*, 4) the addition of the phrase "*lam yaḥsimhum*", 5) the mentions of the trackers "*qāfa*" rather than pursuants "*ṭalab*", and 6) the absence of death by thirst and the gloss by Abū Qilāba.[164] Finally, nearly all of the traditions of this transmission-stream come furnished with explicit references to the revelation of Qurʾān 5:33, "Verily, the punishment for those who make war against God and his messenger and seek corruption in the land is that they be executed, crucified, have their hands and feet amputated from opposite ends, or to be exiled from the land. That is their shame in this world, and in the world to come there is for them a formidable chastisement."[165] While all of the traditions included in this transmission-stream have traditionally been connected to the aforementioned qurʾānic verse, rarely do said traditions so consistently invoke its authority and thereby make its rulings so organically connected to the events conveyed in the *ḥadīth*. By making this tradition explicitly among the *asbāb al-nuzūl* of the Qurʾān,[166] the Awzāʿī tradition provides a 'substitution' for the gloss of Abū Qilāba found in Ayyūb's stream. Of course, the divergence present between the actions of the Prophet in this *ḥadīth* and the *aḥkām* prescribed in Qurʾān brings with it a host of problems that sometimes bear directly on the text.

An example of how this can directly affect the text is in order. For instance, one of the most problematic features of this text appears in

[164] Other complete versions transmitted on the authority of al-Walīd ibn Muslim are recorded in Bukhārī, *Ṣaḥīḥ*, *bāb al-muḥāribīn*, 3:1372 (no. 6890); Abū Dāwūd, *Sunan*, *bāb al-ḥudūd*, 2:728 (no. 4368); Ṭabarī, *Jāmiʿ*, 10:249 (no. 11814). Ṭabarī and Abū Dāwūd also mention the tracker (*qāfa*), but Bukhārī does not.

[165] "*Innamā jazāʾu lladīna yuḥāribūn Allāha wa-rasūlahu wa-yasʿawna fī l-arḍ fasād*[an] *an yuqattalū aw yuṣallabū aw tuqaṭṭaʿa aydīhim wa-arjuluhum min khilāf*[in] *aw yunfaw min al-arḍ dhālika lahum khizy*[un] *fī l-dunyā wa-lahum fī l-ākhira adhāb*[un] *ʿaẓīm*[un]."

[166] *Asbāb al-nuzūl* has become quite a heavy laden term, see A. Rippin, "The Function of *Asbāb al-Nuzūl* in Qurʾānic Exegesis," 1–20. Here I mean only to say that the content of the tradition is intentionally made explicitly related to Qurʾān 5:33. This is an interpretive move, I believe, made only at a secondary stage in the transmission of the tradition.

the phrase "*lam yaḥsimhum*" as its location in many traditions' *matn*s shifts and, thus, changes its meaning and opens the phrase to various interpretations. Generally, three interpretive trends tend to be present. In the version above, the phrase appears to be a reference to cauterizing the wounds so as to prevent death from bleeding but this meaning does not always suite all instances of transmission. Cauterization is problematic in the prophetic tradition because of its association with fire and, therefore, hellfire (*al-nār* being used to refer to both).[167] One *ḥadīth* reads: "Three things heal: drinking honey, cupping, and cauterizing with fire; but I forbid my community from cauterizing [*al-shifāʾu fī thalāthat*[in]*: sharbati ʿasal*[in]*, wa-sharṭati miḥjam*[in]*, wa-kayyati nār*[in]*; wa-anhā ummatī ʿan al-kayyi*]."[168] Secondly, one could arguably translate the phrase "*lam yaḥsimhum*" as "he did not finish them off" and, therefore, as communicating that they were left to die as the other traditions state – perhaps in the *ḥarra* that this transmission stream neglects to ever mention. Lastly, we find in Nasāʾī's *Sunan* the *ḥadīth* with a subtle change in word order that potentially greatly affects the meaning even further. In Nasāʾī's text from ʿAmr ibn ʿUthmān transmitted on the authority of al-Walīd we read, "He cut off their hands and feet and gouged out their eyes and did not finish them [*fa-qaṭṭaʿa aydiyahum wa-arjulahum wa-sammara aʿyunahum wa-lam yaḥsimhum*]."[169] Here, the subtle change in syntax could connote the idea that the gouging out of their eyes was not completed – that some external event, probably the revelation of Qurʾān 5:33, precluded its completion. Ṭabarī's *tafsīr* informs us that some scholars held that Muḥammad had merely *wanted* to gouge out their eyes but that God had revealed Qurʾān 5:33 as an admonishment "*muʿātabat*[an]" and, thus, forbade him from gouging out their eyes. Not surprisingly, al-Walīd appears among the purveyors of this position.[170]

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[167] A now defunct precept of Islamic law asserted that the food cooked by fire [*mā massat al-nār*] canceled ones' ritual purity when eaten; see M.H. Katz, *Body of Text: The Emergence of the Sunnī Law of Ritual Purity*, 101–123.

[168] Bukhārī, *Ṣaḥīḥ*, *bāb al-ṭibb*, 3:1179 (no. 5742), *et passim*. Note that the previous traditions of Wuhayb also sometimes sanction and sometimes censure the cauterization of the wound after mentioning that the nails that had been heated up before being employed to punish the men from ʿUkl/ʿUrayna; cf. the Wuhayb tradition of Bayhaqī (*Dalāʾil*, 4:87) where "*mā ḥasamahum*" is replaced by the more explicit "*fa-kawāhum*" (viz., he cauterized them) and also Ṭaḥāwī's gloss in *Sharḥ mushkil al-āthār*, 5:69.

[169] Nasāʾī, *Sunan, bāb taḥrīm al-dam*, 2:664 (no. 4042).

[170] "*Wa-lakinnahu kāna arāda an yasmula, fa-anzala Allāhu ʿazza wa-jalla hādhihi l-āya ʿalā nabīhi, yuʿarrifu l-ḥikma fīhim, wa-nahāhu ʿan saml al-aʿyun*." See Ṭabarī,

Only one other complete text outside al-Walīd ibn Muslim's stream survives and can be found in Ṭaḥāwī's *Sharḥ*.[171] Although Ṭaḥāwī's tradition has the semblance of a dubious 'diving' tradition, all indications in the *matn* bear the principle marks of accurate independent transmission marked by an adherence to a narrative pattern intrinsic to the stream. The text, however, shows no signs of being a *unique* transmission insofar as what divergences do appear are only omissions as such (e.g., dropping mention of the trackers, or *qāfa*, and Qurʾān 5:33). As such, this version provides us with little indication that the origins of this stream, owing the debt of its widespread circulation to al-Walīd, can be attributed to al-Awzāʿī. Other incomplete transmissions for which we have only a partial *matn*, entirely conform to this trend as well, offering no compelling evidence towards the case for attribution of the tradition to al-Awzāʿī.[172]

1.c. The *mawlā*-tradition of Abū Rajāʾ from Abū Qilāba presents us with a particularly vexing instance of transmission. In order to properly envision the formation of the *mawlā*-tradition, one must understand the *mawlā*-transmission as offering a 'third-person' witness to the relation of the tradition by placing ʿUmar ibn ʿAbd al-ʿAzīz in the middle of a legal discussion of *qasāma*. The relevance of the ʿUmar II anecdote for the *ḥadīth* is polyvalent. On the one hand, by portraying the caliph on intimate terms with his *faqīh*-advisors the anecdote reproduces a common *topos* serving to glorify former times;[173] the choice of ʿUmar II is, therefore, no accident. On the other hand, it also provides a context within which explicit juridical interests and ideologies can be spelled out – in this case the issue of the *qasāma*-oath takes center stage. This much studied institution of Islamic law has been examined extensively in numerous invaluable studies whose content need not be repeated here in too much detail.[174] ʿUmar II's own policy regarding *qasāma* seems to have either changed over his career or else may be totally

Jāmiʿ al-bayān, 10:253 and Bayhaqī, *al-Sunan al-kubrā*, 8:283; cf. Ṭabarī, *Ikhtilāf al-fuqahāʾ*, 258 f. for the differing opinions on when Qurʾān 5:33 was revealed.

[171] Ṭaḥāwī, *Sharḥ mushkil al-āthār*, 5:63 (no. 1812).

[172] Cf. Muslim, *Ṣaḥīḥ*, *bāb al-qasāma*, 2:729 (no. 4449); Nasāʾī, *Sunan, bāb taḥrīm al-dam*, 2:664 (no. 4043).

[173] A. Noth and L.I. Conrad, *The Early Arabic Historical Tradition: A Source-Critical Study*, 138–42.

[174] See P. Crone, "Jāhilī and Jewish Law: The *Qasāma*," 153–201; R. Peters, "Murder in Khaybar: Some Thoughts on the Origins of the *Qasāma* Procedure in Islamic Law," 132–67.

unknowable.[175] *Qasāma* has been understood since the early Islamic period in basically two, mutually contradictory ways[176] – one being largely condemnatory in nature (Mālikī)[177] and the other being largely expiatory (Ḥanafī and Jāhilī).[178] Both concern cases of homicide and designate a type of oath given fifty times by a number of jurors when the requisite evidence for determining the guilty party is lacking. It is the former, Mālikī doctrine that Abū Qilāba unequivocally objects to in our *mawlā* tradition.[179] The relevance of the Anas-tradition arises from the fact that the criminals suffered the full extent of their punishment although the only witness to the crime, the victimized shepherd himself, had perished. At first glance, the tradition apparently presents a scenario wherein the tribe is mutilated and murdered for both theft and murder. Whether or not the punishment was intended as retaliation for homicide seems to be a moot point. Since Abū Qilāba is decidedly against the legal-institution of *qasāma*,[180] he describes the actions of the tribe *not* in terms of the crimes committed (i.e., homicide, robbery, etc.) as much as the *apostasy* of which their crimes were indicative. It's a clever move of a legally inclined intellect and one that is, furthermore, intimated both in the subtleties of the tradition's wording (e.g., in the *aslamū-irtaddū* division and its variants appearing through the

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[175] P. Crone, "Jāhilī and Jewish Law," 188, n. 167.

[176] Perhaps first observed by R. Brunschvig, "Considérations sociologique sur le droit musulman ancien," 69 f.

[177] R. Peters, "Murder in Khaybar," 134 f.

[178] On the latter, see B. Johansen, "Eigentum, Familie und Obrigkeit im hanafitischen Strafrecht: Das Verhältnis des privaten Rechts zu den Forderungen der Allgemeinheit in hanafitischen Rechtskommentaren," in *Contingency in a Sacred Law: Legal and ethical norms in the Muslim fiqh* (Leiden: Brill, 1999), 367–72. The origins of such an oath appears to have been as a means to prevent the warring of towns in the case of a discovery of a dead body whereupon the elders of each nearby town would swear an oath disclaiming culpability; e.g., see the arbitration between the Bakr and Taghlib tribes in Isbahānī, *Aghānī*, 11:42 ff. This is an ancient legal practice common to Hebrew law as well as throughout the Near East; cf. Deuteronomy 21:1–9 and further, J.H. Tigay, *The JPS Torah Commentary: Deuteronomy*, 472 ff. Commentators have found an allusion to the Jewish practice in Qurʾān 2:66 ff. (the passage, however, seems to conflate Deut. 21 with Num. 19); cf. Ṭabarī, *Jāmiʿ*, 2:183 ff. Crone vigorously advocates the Jewish origins of both the Ḥanafī (Pentateuchal) and Mālikī (Rabbinical) institutions. Peters' discussion of the issue has, however, made many of the scenarios she suggests quite untenable (cf. "Murder in Khaybar," 162 ff.), although her suggestions for Jewish influence remain plausible.

[179] R. Peters, "Murder in Khaybar," 151 f.

[180] For Abū Qilāba's condemnation of *qasāma* before ʿUmar without the ʿUrayna tradition, see ʿAbd al-Razzāq, *Muṣannaf*, 10:19 (no. 18278).

Anas transmission-cluster) and the glosses attributed to Abū Qilāba in the Ayyūb transmission stream.

Since the passage includes other materials extending the legal discussion, I have here translated only those parts including reference to the discussion of the tradition under investigation; furthermore, with regard to our analysis of the literary components of the Anas-traditions more generally, I have limited my enumeration to the *ḥadīth* itself.

> Qutayba ibn Saʿīd – Abū Bishr Ismāʿīl ibn Ibrāhīm al-Asadī – al-Ḥajjāj ibn Abī ʿUthmān – Abū Rajāʾ from the family [*āl*] of Abū Qilāba – Abū Qilāba related that:
> "ʿUmar ibn ʿAbd al-ʿAzīz opened his throne [*abraza sarīrahu*] one day for the sake of the people. Then he granted them permission, and they entered. He said, 'What do you say about *al-qasāma*?' [The people said:] 'We say that retaliation by means of *qasāma* is just [*al-qawadu bihā ḥaqq*[un]]; indeed, the caliphs gave retaliation by it [*wa-qad aqādat bihā al-khulafāʾu*].' He said to me, 'What do you say, Abū Qilāba?' So he addressed me to the people, and I said, 'Oh Amīr al-Muʾminīn! Here you have the heads of armies and the nobles of the Arabs [*ashrāf al-ʿarab*]. Are you of the opinion that, if fifty of them testify against a married man [*ʿalā rajul*[in] *muḥṣan*[in]] in Damascus that he had committed adultery without having seen him, you would stone him?' [ʿUmar II] said, 'No.' I said, 'Are you of the opinion that, if fifty of them testify against a man in Ḥimṣ that he had stolen, you would cut off [his hands] when they had not seen him?' He said, 'No.' I said, 'By God, the Messenger of God never killed except one of three instances: a man who had murdered with a guilty soul [*qatala bi-jarīrati nafsihi*] and, thus, was killed; a man who had fornicated after marriage [*zanā baʿda iḥṣān*[in]]; or a man who had fought against God and his messenger and apostatized from Islam.' The people said, 'Has not Anas ibn Mālik narrated that the Messenger of God cut off hands in a case of theft, gouged out eyes [*samara al-aʿyun*], and then abandoned them in the sun?' I said, 'I will relate to you the *ḥadīth* of Anas. Anas related to me {1} that a band of eight from ʿUkl approached the Messenger of God {2} then gave him an oath of allegiance to Islam [*fa-bāyaʿūhu ʿalā al-islām*]. {3} They found the land insalubrious [*istawkhamū al-arḍ*], {4} and their bodies ailed [*wa-saqimat ajsāmuhum*]. {5} So they complained about this to the Messenger of God. {6} He said, "Why don't you go out with our shepherd to the camels and sup from their urine and milk?" {7} "Sure," they said, and so they went out, drank from their urine and milk, and recovered their health. {8} Then they killed the shepherd of the Messenger of God {9} and chased off the livestock. {10} This reached the Prophet. {11} He sent [some people] in their tracks. They were overtaken, {12} and brought back. {13} He ordered for them that their hands and feet be cut off, {14} and he gouged out their eyes. {15} Then he abandoned them in the sun [*nabadhahum fī l-shams*] until they died.' I said, 'And which thing is

> worse than what these men wrought? They apostatized from Islam, stole, and murdered!' " …[181]

A second, shorter version appears in Bukhārī, also transmitted by al-Ḥajjāj al-Ṣawwāf, and has ʿUmar II again convening the people together "*wa-stashāra al-nās*" in a legal dispute over *al-qasāma* but places Abū Qilāba behind the throne of ʿUmar II when he begins to recite the *ḥadīth* "*wa-Abū Qilāba khalfa sarīrihi*."[182] In this aspect, it closely resembles the tradition transmitted by ʿAbd Allāh ibn ʿAwn. It states that Abū Qilāba "was sitting behind ʿUmar ibn ʿAbd al-ʿAzīz [*kāna jālis*^{an} *khalfa ʿUmar ibn ʿAbd al-ʿAzīz*]" and also adds that when ʿUmar addressed him, "he turned around towards Abū Qilāba who was behind his back [*fa-iltafata ilā Abī Qilāba wa-huwa khalfa ẓahrihi*]."[183] As noted above in the discussion of the various *isnād*s accompanying this tradition, the text of Muslim's *Ṣaḥīḥ* drops the story of ʿUmar II. Muslim's first instance of the tradition possesses a text conforming wholly to the structure and vocabulary of the tradition of al-Ḥajjāj al-Ṣawwāf, whereas the second instance of the tradition in Muslim's transmission adheres to the form and vocabulary of the Ayyūb tradition. Key distintive features of the genuine *mawlā*-tradition from al-Ḥajjāj al-Ṣawwāf are, for instance, certain transpositions such as that of "*istawkhamū al-arḍ*" instead of "*ijtawaw al-madīna*" and especially the additions of "*bāyaʿūhu*", "*saqimat ajsāmuhum*", directly reported speech from the Prophet, and the phrase "*nabadhahum fī al-shams*". The tradition of Muslim lacking these features, therefore, should be classified as an Ayyūb tradition wherein the *mawlā* of Abū Qilāba, Abū Rajāʾ, has been inserted into the *isnād*.[184]

ʿAbd Allāh ibn ʿAwn's tradition comes to us only in one partial form found in Bukhārī; the version found in Muslim is severely truncated. Bukhārī's version resembles the version originating with al-Ḥajjāj al-Ṣawwāf but differs in wording to an extent that it does represent an entirely different *matn* and not merely the same tradition with a different *isnād*. It is difficult to determine whether or not this has been

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[181] Bukhārī, *Ṣaḥīḥ*, *bāb al-diyāt*, 3:1391 (no. 6983).
[182] Bukhārī, *Ṣaḥīḥ*, *bāb al-maghāzī*, 2:836 (no. 4242).
[183] Bukhārī, *Ṣaḥīḥ*, *kitāb al-tafsīr*, 2:927 (no. 4653); Muslim, *Ṣaḥīḥ*, *bāb al-qasāma*, 2:723 (no. 4448).
[184] Muslim, *Ṣaḥīḥ*, *bāb al-qasāma*, 2:723 (nos. 4446–7); This short form of this transmission predates Muslim's *Ṣaḥīḥ* and, therefore, its abbreviation cannot necessarily be attributable to him; cf. Ibn Abī Shayba, *Muṣannaf*, 5:55.

co-opted and reworked from al-Ḥajjāj's version or amounts to another instance of genuine transmissions. I incline towards the former position.

The transmissions of the Abū Qilāba tradition are often characterized by an equivocation of the exact name of the tribe – diversely proffering the names ʿUkl *or* ʿUrayna. Occasionally, these traditions venture to reveal even more specific details with regard to the number of men comprising the group, albeit more rarely. As seen above, Abū Qilāba's transmissions have a tendency to favor the name ʿUkl although the name ʿUrayna also appears as a possiblity. Such favoritism of ʿUkl dissipates outside this transmission stream. Hence, Ḥumayd's transmission invariably informs us that the tribe's name was ʿUrayna, and Qatāda's transmission informs us that they were from both ʿUkl *and* ʿUrayna. Neither of the tribes is related, ʿUkl being a northern tribe from Ribāb and the ʿUrayna a southern tribe from Bajīla.[185] The Abū Qilāba transmission-cluster also produces a number of traditions that state that the number of group (Ar., *nafar, unās*, *rahṭ*, etc.) amounted to eight persons. This number appears sporadically throughout the main tributaries of Abū Qilāba's transmission cluster – whether the principle transmitter is Ayyūb,[186] al-Ḥajjāj al-Ṣawwāf,[187] or al-Walīd ibn Muslim[188] – and, therefore, must be attributed to Abū Qilāba's original transmission. This, of course, says little in the way of the historicity of names or number of persons involved; the traditions are hopelessly contradictory. Nonetheless, such contradictory information does not necessarily mean either the tribe or the persons are unhistorical even if such details as exact names cannot be taken for granted. The phenomenon of the spontaneous appearance of names in the early historical tradition is a leitmotif that has been often observed;[189] however, it would be fortuitous to note that the names of the tribe merely represent the earliest appearance of a preoccupation with the specific names and identities of the otherwise anonymous groups and individuals involved in this tradition.

Any attempt to reconcile these traditions is futile. This does not mean that valiant efforts have not been made. A tradition, it seems,

[185] W. Caskel, *Ǧamharat an-nasab: Das Geneologische Werk des Hišām ibn Muḥammad al-Kalbī*, 2:10, 45 f., see also s.v. ʿUrayna and ʿUkl.
[186] Bukhārī, *Ṣaḥīḥ*, 2:584 (no. 3055).
[187] All versions from al-Ḥajjāj have this feature; see references above.
[188] Ibn Ḥanbal, *Musnad*, 3:198; Ṭabarī, *Jāmiʿ*, 10:249 f. (no. 11814).
[189] See A. Noth/L.I. Conrad, *Early Arabic Historical Tradition,* 111–29.

was at one time crafted in order to resolve the issue for us. Thus, Ibn Ḥajar, who himself goes to great lengths to reconcile this contradiction, provides probably the most novel solution citing a tradition related from Qatāda ostensibly found in Saʿīd ibn Abī ʿArūba's (d. *ca.* 155–59 A.H.) *maghāzī* that claims to inform us of the origins of all this confusion.[190] It informs us that in reality *four* persons where from ʿUrayna and *three* from ʿUkl – reflecting a poor grasp of arithmetic if aimed at using the number 'eight' mentioned in some traditions in order to resolve the contradictory transmissions from Anas. Insofar as this 'harmonizing' tradition varies widely from all other records of Saʿīd ibn Abī ʿArūba's transmission from Qatāda, it is surely an adulterated text.[191] The solution is, moreover, a red herring. To achieve this harmony between traditions, Ibn Ḥajar must categorically reject manifold traditions which give further possible names for the men's tribes (see below).[192] The names themselves are, in view of this, competing *topoi* rather than an error of one of the transmitters.

Despite the manifest permutations observed throughout the transmission of the Abū Qilāba tradition, the comparison of the various streams demonstrates that the fundamental narrative structure and content of the tradition remains intact. These permutations demonstrate that the several different versions of the tradition were in circulation in the first-quarter of 2nd century A.H.; versions that at the same time bear the marks of independent transmission rather than interdependence. The most plausible explanation for this phenomenon would be to postulate a common source serving as the template and model for the transmission of all these versions – certainly Ayyūb al-Sakhtiyānī if not Abū Qilāba himself. To summarize, the Abū Qilāba streams share, conform to and perpetuate the following narrative structure: 1) a group from ʿUrayna/ʿUkl approaches the prophet, 2) they become ill in Medina, 3) the Prophet sends the group out of Medina with a remedy, 4) the group leaves Medina and drinks from the camels' urine and milk, 5) the group regains their health, 6) they kill the shepherd(s) of the camels, 7) they herd the camels off,

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[190] Ibn Ḥajar, *Fatḥ*, 1:349 f.

[191] Ibn Ḥajar (ibidem) cites two sources for his tradition: Ṭabarī and Abū ʿAwāna (d. 316/928; Sezgin, *GAS*, 1:174). For Ṭabarī's version, see *Jāmiʿ*, 10:250 (no. 11815), and cf. ibidem, 10:244 (no. 11808); Ibn Ḥanbal, *Musnad*, 3:170, 233; Bukhārī, *Ṣaḥīḥ*, *bāb al-maghāzī*, 2:835 (no. 4241); ibidem, *bāb al-ṭibb*, 3:1185 (no. 5786); Muslim, *Ṣaḥīḥ*, *bāb al-qasāma*, 2:724 (no. 4452); Bayhaqī, *al-Sunan al-kubrā*, 8:282.

[192] Ibn Ḥajar, *Fatḥ*, 1:350.

8) the Prophet sends for them to be found, 9) the group is caught, 10) returned to the Prophet, 11) their feet and hands are cut off, 12) their eyes are poked out, 13) and they are left to die. Each version lacking one of the above invariably proves itself to be an abbreviation of these above components, and each version that adds to this skeletal outline invariably does without comprising its basic structure. In what follows, each of these components also remain salient to the narrative structure of transmissions from Anas beyond the Abū Qilāba stream. The following analyses, I believe, produce similar results as those seen in the Abū Qilāba stream. If the transmission streams of Ḥumayd al-Ṭawīl and Qatāda can be shown to have originated with them, then there is a solid basis for dating the origin of the tradition within the second-half of the 1st century A.H.

The Ḥumayd al-Ṭawīl Traditions

II.2. Each tradition belonging to the Ḥumayd stream can be distinguished textually by the exclusive usage of the name "ʿUrayna" rather than "ʿUkl" and the presence of reported speech of the Prophet; these two features establish the touchstone characteristics of this transmission cluster. However, as a group, this transmission stream exhibits almost no extreme departure from the common elements of Abū Qilāba streams. Particularly conspicuous again is the preservation between both streams of a bifurcated narrative structure marked by the conversion and apostasy of the ʿUrayna.[193] The narratives, in asmuch as they fall in to the Ḥumayd transmission stream, actually maintain a rather austere character and lack, overall, many of the narrative flourishes occasionally appearing in the Abū Qilāba stream (e.g., excurses on *al-qasāma*, details about the nails used for blinding the criminals, specifications regarding the time of day said events occurred, etc.). We can take the transmission of Ismāʿīl ibn Jaʿfar, which has at least two attestations, as an example of the 'standard' Ḥumayd tradition bearing the features mentioned above:

> Muḥammad ibn ʿAbd al-Raḥmān al-Sāmī – Yaḥyā ibn Ayyūb al-Muqābirī – Ismāʿīl ibn Jaʿfar – Ḥumayd – Anas ibn Mālik:

[193] As above, the last feature is expressed in varying vocabularies (e.g., "*qadima ʿalā l-nabī – irtaddū*" "*qadima ʿalā l-nabī – rajaʿū kaffār*[an]", "*aslama unās*[un] *– kafarū baʿda islāmihim*", etc.), but the structure nonetheless remains clear and intact.

> {1} A group from ʿUrayna approached the Prophet, {2} so he said to them: "Would that you were to go out to our camels, be with them, and drink from their milk and urine [*law kharajtum ilā dhawdinā, fa-kuntum fīhā, fa-sharibtum min albānihā wa-abwālihā*]." {3} They did. When they became well , {4} they went to the shepherd of the Messenger of God [*qāmū ilā rāʿī rusūli ʾllāhi*] {5} and killed him. {6} They returned to unbelief [*rajaʿū kaffār^{an}*], {7} and stole the camels of the Messenger of God, {8} so the Messenger sent pursuants to look for them [*ṭalab fī ṭalabihim*]. {9} They were brought to him. {10} He cut off their hands, {11} and poked out their eyes.[194]

Firstly, it ought to be noticed that this version shows some signs of abbreviation, lacking both a mention of the group's illness and their death. These details appear in other traditions from Ḥumayd, most notably from Hushaym and Ibn Abī ʿAdī. Hushaym's tradition, although more complete, hinders our ability to see the features of the Ḥumayd stream because of the claim made in its *isnād* to have also been transmitted on the authority of ʿAbd al-ʿAzīz ibn Ṣuhayb (see Figure 2). However, taken together, Hushaym's transmission shows an unmistakable affinity for the other transmissions of this transmission-complex. One can find strong evidence for this, particularly in a small phrase that appears only in the Ḥumayd transmission-cluster. In the section labeled {5} above, the phrase "*qāmū ilā rāʿī…*" occurs as it does in all *matn*s attributed to Ismāʿīl ibn Jaʿfar. This literary unit appears nowhere else in the Anas transmission-cluster as a whole with the exception of the transmissions from Hushaym wherein it is stated that the band from ʿUrayna "walked over to the shepherd [*mālū ʿalā al-rāʿī*]."[195]

One transmitted version of the Ḥumayd tradition, as noted above, includes a gloss by his contemporary and fellow-student Qatāda. This gloss specifically refers to whether or not the men of ʿUrayna were sent to drink just milk or urine as well. According to the traditions mentioning Qatāda's gloss, the urine is his addition whereas Ḥumayd mentions only the milk. The version from the *Musnad* reads as follows:

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[194] Ibn Ḥibbān, *Ṣaḥīḥ*, 10:322 f. (no. 4471); cf. Nasāʾī, *Sunan*, *bāb taḥrīm al-dam*, 2:665 (no. 4046).

[195] Ibn Abī Shayba, *Muṣannaf*, *k. al-siyar*, 6:437 (no. 32767); reading «هشيم» instead of the erroneously printed «هشام» (cf. the correct printing in ibidem, *k. al-radd ʿalā Abī Ḥanīfa*, 7:295, no. 36218). See also Muslim, *Ṣaḥīḥ*, *bāb al-qasāma*, 2:772 (no. 4445).

> Ibn Ḥanbal – Ibn Abī ʿAdī – Ḥumayd – Anas said:
> "{1} People from ʿUrayna became Muslims [*aslama*], {2} then the air of Medina made them ill [*ijtawaw al-madīna*]. {3} So the messenger of God said to them, 'Would that you were to go out to our she-camels [*law kharajtum ilā dhawd*^{in} *linā*] and drink from their milk' {4} (Ḥumayd said, Qatāda said from Anas: 'and their urine'). {5} They did that. When they became well, {6} they disbelieved after having accepted Islam [*kafarū baʿda islāmihim*] {7} and killed the shepherd of the Messenger of God {8} who was either a *muʾmin* or *muslim*. {9} They herded off the camels of the Messenger of God {10} and fled as brigands [*muḥāribīn*]. {11} Then the messenger of God sent [someone] in their tracks. {12} They were taken, {13} and he cut off their hands and feet {14} and gouged out their eyes with nails [*samara aʿyunahum*]. {15} He left them at the *ḥarra* until they died."[196]

As noted above, the origins of the gloss from Qatāda are quite perplexing and any attribution to Ḥumayd is impossible to substantiate. This is especially true since the other transmissions from Ḥumayd show no indication of the gloss and, more strikingly, blatantly contradict the gloss' claims. No version of the tradition neglects to mention the Prophet's exhortation to cure their illness by drinking *both* the camels' milk *and* urine. Each tradition mentioning the Qatāda-gloss, notably, also possesses a legalizing vocabulary denoting the legal-state of both perpetrators and victim. For instance, the traditionist is keen on noting that the shepherd when killed was a "*muʾmin*" or "*muslim*", and the men from ʿUrayna are considered "*muḥāribūn*". This incipient legalizing could account for the casting of doubt upon whether or not the men were told to drink urine, as it relates to the juridical debates over the purity thereof.

Lastly, the tradition transmitted through Ibn Wahb on the authority of ʿAbd Allāh ibn ʿUmar al-ʿUmarī from Ḥumayd is unique in its mention of crucifixion, as noted above.[197] Although it appears in our earliest extant witness to the Ḥumayd transmission, it is ironically also the most aberrant from the transmission cluster as a whole. Crucifixion likely appears a laconic summary of the literary units above in which the criminals are left to die in a *ḥarra* – with the sense of leaving

[196] Ibn Ḥanbal, *Musnad*, 3:107, 205; cf. Muslim, *Ṣaḥīḥ*, *bāb al-qasāma*, 2:772 (no. 4445); Ibn Maja, *Sunan*, *bāb al-ḥudūd*, 1:375, (no. 2676); al-Nasāʾī, *Sunan*, *bāb taḥrīm al-dam*, 2:665 (nos. 4045–8).

[197] Ibn Wahb, *al-Muwaṭṭaʾ*, *k. al-muḥāraba*, 322 (fol. 2 verso, l. 5); Nasāʾī, *Sunan*, *bāb taḥrīm al-dam*, 2:665 (no. 4045).

their bodies unburied and exposed to the elements.[198] "*Ṣalb*" can refer to a vast array of practices whether in historical, legal, or religious literature,[199] and although uncommon, such word usage could be a

[198] The most compelling evidence for this comes from the fact that the small phrase "*wa-ṣalabahum*," in this version of Ḥumayd's tradition directly replaces the pericope that describes the dismal demise of the criminals in all the other versions of the Anas-tradition, whether from within the Ḥumayd stream or not. What is meant here is not crucifixion by means of a cross but rather a laconic summation of what all the other traditions claim: the men were left exposed to the elements to suffer their fate and die. It is easily forgotten in a culture so saturated with Christian iconography that crucifixion as it was classically understood referred to a variety of practices and techniques of execution and humiliation ranging from the displaying of an enemies corpse on an *ad hoc*, gibbet-like structure, to leaving a traitor or brigand exposed to the elements, to the commonly known form portrayed in Christian iconography. These variegated practices span not only the Greco-Roman world but also the Medo-Persian and later even emerge among Jews of the Hellenistic-Hasmonean period; in general see G.G. O'Collins, "Crucifixion," 1: 1207 ff. The practices referred to as crucifixion were quite varied in the Islamic period as well (F.E. Vogel, "Ṣalb," 935 provides a small sampling of this). Such a broad definition of crucifixion was no innovation. The biblical writers demonstrate a broad view of crucifixion in the association of Jesus of Nazareth's crucifixion with the execution by hanging on a tree designated for traitors in Deutoronomy 21:23 (see Galatians 3:13 as well as the comments and notes in H.D. Betz, *Hermeneia: Galatians*, 151 f.). We read of an application of the deuteronomistic punishment in 2 Samuel 4:17, which relates concerning the murderers of King Saul's son, Ishbaal, that "David commanded the young men, and they killed them; they cut off their hands and feet, and hung their bodies besides the pool at Hebron (NRSV)." The parallel to Qurʾān 5:33 is uncanny. Further such parallels can be cited: cf. Genesis 40:22 and Qurʾān 12:41; Deuteronomy 21:22 f, Joshua 8:29, 1 Samuel 31:10, Esther 9:6–14 and Qurʾān 20:71. The Arabic verb '*ṣalaba*' and its derivatives could be and were applied broadly; see J.L. Kraemer, "Apostates, Rebels and Brigands," 66–8, esp. n. 129. While it is true that crucifixion proper had ostensibly not been practiced in Byzantine lands since Constantine I outlawed the practice, in reality merely the semblance of Jesus of Nazareth's death had been replaced by another cruel device known as a *phourka*, a fork-shaped gallows continually employed for the mass execution of rebels or traitors; see A.P. Khazhdan (ed.), *The Oxford Dictionary of Byzantium*, 2:768 b, s.v. "execution". The Arabic does not seem to discriminate between these practices; hence, one ought not be too skeptical, for example of the historical landscape portrayed in Ibn Saʿd's entry on the martyrdom of the Byzantine official named Farwa ibn ʿAmr, which reads, "[The news of] the conversion of Farwa ibn ʿAmr reached Caesar, so he sent for him, imprisoned him until he died in prison. Once he had died, they crucified him [*fa-baʿatha ilayhi fa-ḥabasahu hattā māta fī l-sijn fa-lammā māta ṣalabūhu*]," *Ṭabaqāt*, 9:438 (no. 4620); cf. Ibn Hishām, *al-Sīra al-nabawiyya*, 2:591 f. where he seems to be crucified before his death. Incidents of crucifixion in the early Islamic period are legion and are often described in varying terms, for a helpful overview, see O. Spies, "Über die Kreuzigung im Islam," 143–56. Also helpful are J.L. Kraemer, "Apostates, Rebels and Brigands," 34–73 and K. Abou El Fadl, *Rebellion and Violence in Islamic Law*, 47–61 *et passim*.

[199] According to a tradition attributed to ʿĀʾisha, a *muḥārib* is to either be killed, crucified or exiled, see Abū Dāwūd, *Sunan*, *bāb al-ḥudūd*, 2:726 (no. 4355) and Nasāʾī, *Sunan*, *bāb taḥrīm al-dam*, 2:668 (no. 4065). The varying interpretations of what the punishment of crucifixion for *muḥāribūn* in the legal literature (e.g., as to whether

conscious attempt to make a connection to the legal commands of Qurʾān 5:33. The departure of this tradition from the transmission-cluster of Ḥumayd overall also encompasses the absence of reported speech of the Prophet.

Placing the entire Ḥumayd stream directly vis-à-vis the Abū Qilāba stream, we can see the level of correspondence in both narrative structure, details, and even an evolution of variants and independence of wording and detail that one would expect if they shared a common source but were transmitted independently. Again, this is best explained by attributing the Ḥumayd version of the tradition to the first-quarter of the 2nd century A.H. Since many Ḥumayd traditions, for instance, replace "*samara*" with "*samala*" as was the case with the Kufan transmission from Abū Qilāba through Sufyan al-Thawrī among others, some of the variants follow a path of natural evolution resulting from either aural reception or ambiguities in Arabic orthography and, therefore, cannot be submitted as evidence for either interdependence or independence. Thus, these comparisons do not only serve to merely demonstrate the idiosyncratic and aberrant features in these traditions. Such parallels are also evidence that at least some the variants occurring within a given transmission-cluster and its internal transmission streams are not necessarily due to either fabrication by or the caprices of certain transmitters but are organically rooted in the transmission process itself. In fact, the variance within a transmission-cluster occurring between these streams – inasmuch as these can be placed inside the locus of these streams and do not occur outside of them – preclude the possibility of interdependence between these streams. Thus, those elements which are both common and unique among the streams increasingly strengthen the case for the utilization of a common source with recoverable features and structures and, thus, reinforce the unity and coherence of the transmission-cluster and buttress the claims of *isnād*s attached to the traditions. Such shall become increasingly clear through the treatment of the Qatāda-Anas transmission stream.

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or not the criminal must be dead or alive at the time of crucifixion) entails in reality, produce substantially different corporeal punishments. For a survey of these legal opinions, see Māwardī, *al-Aḥkām al-sulṭāniyya wa-l-wilāyāt al-dīniyya*, 124–8; Ṭabarī, *Ikhtilāf*, 255 f.; Ibn Rushd, *Bidāyat al-mujtahid wa-nihāyat al-muqtaṣid*, 4:1758–61; J.L. Kraemer, "Apostates, Rebels and Brigands," 60–71.

The Qatāda Traditions

II.3. The Qatāda-Anas tradition stream can be easily distinguished by the presence of additional *topoi* absent elsewhere, usually concerning the type of lifestyle and environment to which the tribes (here it is *both* ʿUkl *and* ʿUrayna) are accustomed or the particular type of anguish experienced by the group as they die. Not all traditions contain all such details; however, the transmission of Maʿmar ibn Rāshid below, which is both early and lengthy inasmuch as it contains the above-mentioned *topoi*, shall provide us, combined with other attestations, with a strong indication that that the inclusion of these additional *topoi* must be dated to the earliest form transmitted from Qatāda.[200]

> ʿAbd al-Razzāq – Maʿmar – Qatāda – Anas ibn Mālik said that:
> "{1} A group from ʿUrayna and ʿUkl discussed Islam, {2} and then came to the Prophet. {3} They informed him that they were herding people and not farming people [*kānū ahla ḍarʿin, wa-lam yakūnū ahla rīfin*]. {4} The air of Medina made them ill [*fa-ijtawaw al-madīna*], {5} and they complained about its (= Medina's) feverish heat [*wa-shakaw ḥumāhā*]. {6} The Prophet ordered for them camels and a shepherd and ordered them to go out from Medina {7} and then to drink their milk and urine. {8} Then they went out until they reached the area of the *ḥarra*. {9} They disbelieved after having accepted Islam [*kafarū baʿda islāmihim*], {10} killed the Prophet's shepherd, {11} and drove away the she-camels. {12} This reached the prophet, {13} so he sent out pursuants in pursuit of them [*baʿatha l-ṭalab fī ṭalabihim*]. {14} They were brought forth to him (=the Prophet), {15} so he gouged [*samala*] out their eyes {16} and cut off their hands and feet. {17} They were left in the area of the *ḥarra* {18} gnawing on its rocks [*turikū bi-niḥāyat al-ḥarra yaqḍumūna ḥijāratahā*] until they died." Qatāda said, "We were told [*balaghanā*] that this verse was revealed concerning them "(Qurʾān 5:33)."[201]

Unique to this transmission of Maʿmar is their complaint of Medina's 'fever', or *ḥumā*, which appears in both transmissions of his tradition found in collections of ʿAbd al-Razzāq and Ibn Ḥanbal. Much like Wuhayb's transmissions from Ayyūb included a sidelight on the heating of nails, Maʿmar's added flourish of the feverish heat of Medina serves as an anodyne exposition of the laconic content of the tradition. However, another *topos*, i.e., the detail concerning the biting of the rock, is not unique to Maʿmar's transmission even if not uniformly

[200] On the reliability of Maʿmar's transmission from Qatāda, see H. Motzki, "Der Fiqh des -Zuhrī," 5–10.
[201] ʿAbd al-Razzāq, *Muṣannaf*, 10:48, (no. 18538); cf. Ibn Ḥanbal, *Musnad*, 3:163.

transmitted. Shuʿba ibn al-Ḥajjāj[202] and Ḥammād ibn Salama also transmit the *topos* similarly albeit with different wording (e.g., "*yaʿaḍḍūna al-ḥijāra*"), although it disappears from the transmission of Saʿīd ibn Abī ʿArūba. Ḥammād ibn Salama provides us with a particularly striking version that places the words unambiguously into mouth of Anas, who here speaks as an eyewitness saying "I saw one of them biting the earth with his mouth due to thirst [*qāla Anas*[un]*: laqad raʾaytu aḥadahum yakdumu l-arḍ bi-fīhi ʿaṭash*[an]]."[203] In the transposition of '*yakdumu*' of '*yaqḍumu*' (see Maʿmar's version above), one can see the vestiges of oral transmission – the former orthography apparently favoring an *ʿajamī*-tongue rather than that of a native-speaker. Absent from Ḥammād ibn Salama's tradition, however, is the *topos* concerning the group being more acquainted with pastoral rather agrarian life. In contrast, this appears as a staple of transmission from both Shuʿba ibn al-Ḥajjāj and Saʿīd ibn Abī ʿArūba. Similar mutations in vocabulary as previously seen are observable (e.g., *samala* vs. *samara, ijtawaw* vs. *istawkhamū*, etc.); however, the narrative structure, hinging on the divide of acceptance and rejection of Islam, and many of its other details again remain intact.

In contrast to the above affinities, the text given in the *Musnād* of Ṭayālisī transmitted from Qatāda on the authority of Hishām al-Dastawāʾī is strikingly dissimilar from each version.[204] None of the touchstone features mentioned above appear; rather, its most unique features are reminiscent of entirely other streams. On the one hand, the text informs us that the ʿUraniyyūn "fattened until they filled out [*saminū ḥattā tarabbaʿū*]," a detail and vocabulary reminiscent of the tradition with the *isnād* Wuhayb – Ayyūb – Abū Qilāba (see sec. II.1.a. above). On the other hand, the tradition ends stating "he cast them into the sun so they would be made dead [*alqāhum fī l-shams ḥattā muwwitū*]." Again, mention of death by exposure to the sun characterizes not the stream of Qatāda but of traditions in the stream al-Ḥajjāj al-Ṣawwāf – Abū Rajāʾ – Abū Qilāba (see sec. II.1.c. above). One is compelled to conclude that this is a corrupt tradition, demonstrating that the earliness of an attestation does not necessarily guarantee the accuracy of its transmission.

[202] Bukhārī, *Ṣaḥīḥ*, *bāb al-zakā*, 1:285 (no. 1526). This detail is absent in the later version of Ibn Ḥibbān, *Ṣaḥīḥ*, *k. al-ṭahāra*, 4:230 (no. 1377).

[203] Ibn Ḥanbal, *Musnad*, 3:287; Nasāʾī, *Ṣaḥīḥ*, *bāb taḥrīm al-dam*, 2:666 (no. 4051); also independently recorded in Abū Dāwūd, *Sunan*, *k. al-ḥudūd*, 2:729 (no. 4369).

[204] Ṭayālisī, *Musnad*, 3:495 (no. 2114).

The connection to Qurʾān 5:33 in Maʿmar's transmission also deserves attention. The reference above disappears from Ḥammad's and Shuʿba's transmission but similar comments are a standard feature of the transmission through Saʿīd. This connection to Qurʾān 5:33 could possibly be extraneous to the tradition and gathered from Qatāda's other comments transmitted independently – indeed, the connection is much less pervasive in Qatāda's transmission stream than in that of al-Awzāʿī. However, Qatāda's renown for his qurʾānic commentary adds weight to the suggestion that the comments originate with him.[205] In general, the qurʾānic gloss indicates a heightened awareness of the conflict between Qurʾān 5:33. and the content of the tradition itself.[206]

As will be further argued below, an explicit connection of the 'Urayna tradition with Qur'ān 5:33 comes at a secondary stage in each of the numerous transmissions even outside the Qatāda corpus. Indeed, even when this connection becomes codified within the minds of exegetes – and it did so early[207] – it is found vying for its expository role alongside many other *asbāb al-nuzūl* for this verse.[208] However, whether attributable to Abū Qilāba, Qatāda or whoever, the contents of the tradition preclude the idea that the tradition's genesis lies in an exegetical gloss on a qur'ānic passage. That the content of this tradition was largely regarded as problematic vis-à-vis the qur'ānic text and its prescribed penalties precludes the possibility that a traditionist fabricated the story originally intended to act as a gloss on Qurʾān 5:33.[209]

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205 Ṭabarī, *Jāmiʿ*, 10:244 f. (no. 11808); Ibn Ḥanbal, *Musnad*, 3:233. Bukhārī, *Ṣaḥīḥ*, *bāb al-maghāzī*, 2:835 (no. 4241) replaces Qatāda's reference to the Qurʾān by a legal observation concerning mutilation, stating, "The Prophet afterwards used to encourage charity and forbid mutilation [*kāna yaḥuththu ʿalā l-ṣadaqa wa-yanhā ʿan al-muthla*." This should likely be considered an implicit reference to Qurʾān 5:33, but it may merely be a dictum against the practice of mutilation as a punishment, which seems to have been practiced; see ʿAbd al-Razzāq, *Muṣannaf*, 10:12 (nos. 18228–18233).

206 For a discussion of some of the legal concerns surrounding Qurʾān 5:33, see J. Wansbrough, *Quranic Studies*, 185–8; J. Kraemer, "Apostates, Rebels and Brigands," 60 ff.; K. Abou El Fadl, *Rebellion and Violence,* 47 ff.

207 The association of the tradition was, nevertheless, quite early as it appears in Muqātil ibn Sulaymān al-Balkhī (d. 149/767), *Tafsīr*, 1:472. Muqātil's text appears to me to be a fusion of both the Anas and 'Urwa traditions with other spurious elements (e.g., ʿAlī ibn Abī Ṭālib personally hunts down the tribe) and, thus, a precursor of the *maghāzī* traditions.

208 Abou El Fadl adduces at least four others (*Rebellion and Violence*, 49).

209 *Contra* the scheme advocated in H. Lammens, "Qoran et tradition: Comment fut composée la Vie de Mahomet," 27–51; C.H. Becker, "Prinzipielles zu Lammens' Sīrastudien," 263–9; J. Burton, "Notes towards a Fresh Perspective on the Islamic Sunna," 3–17; P. Crone, *Meccan Trade and the Rise of Islam*, 213. The objection is not so much to the assertion that attempts at exegesis produced spurious information – which

Unique Traditions from Anas

II.4. In addition to the above traditions, there are a few unique traditions from Anas ibn Mālik which lack the broad attestation that we see characterizing the above streams. Many of these are incomplete and are referenced only in the context of another complete tradition – acting almost always as a means to introduce and give account for any variants known by the transmitter. At times, the presence of these figures fail to fit into the *isnād* itself, as was the case seen above with Qatāda's gloss on the transmission of Ḥumayd. Other figures, such as the Baṣran ʿAbd al-ʿAzīz ibn Ṣuhayb (d. 130/747–8) and Thābit ibn Aslam al-Bunānī (d. 127/744–5),[210] often play similar roles in an *isnād,* where they are briefly mentioned as supplemental authorities. While not always necessarily an indication of mendacious intent, these occurrences often go beyond the mere assiduous observations of a fastidious traditionist and likely intend to bolster the authority of the tradition.

On another level entirely we are faced with the appearance of narratives in the form of *āḥād*-traditions that present us with not only another text, but also with a text with richer detail and more lucid exposition, albeit not always more credible. For instance, we find in Muslim's *Ṣaḥīḥ* a tradition with the *isnād*: Hārūn ibn ʿAbd Allāh[211] – Mālik ibn Ismāʿīl[212] – Zuhayr ibn Muʿāwiya[213] – Simāk ibn Ḥarb[214] – Muʿāwiya ibn Qurra[215] – Anas. The transmission is predominately Kūfan and, thus, represents a Kūfan adaptation of a Baṣran tradition. Although the *matn* is not complete, two new details surface: 1) the tradition names the illness befalling the ʿUrayna as pleurisy "*waqaʿa bi-l-madīna al-mūmu – wa-huwa l-birsām*" and 2) mentions the youths sent to bring the criminals to the Prophet, "*wa-ʿindahu shabāb^{un} min al-anṣār qarīb^{un} min ʿishrīna*". A tracker (*qāʾif*) also appears, as in the transmission stream of al-Awzāʿī above,[216] leading the small troop.

certainly occurred and can be rather well documented even within certain stages of the evolution of the tradition under investigation – but rather that the main impetus for the production of the tradition began primarily with this exegetical project.

[210] Ibn Ḥajar, *Tahdhīb*, 6:341 f.

[211] Baghdādī, died 249/863; Ibn Ḥajar, *Tahdhīb*, 11:8 f.

[212] Kufan, died 227/841–2; Ibn Ḥajar, *Tahdhīb*, 10:3 f.

[213] Kufan, died 173/789–90; Ibn Ḥajar, *Tahdhīb*, 3:351–3.

[214] Kufan, died 123/740–1; Ibn Ḥajar, *Tahdhīb*, 3:232–4.

[215] Baṣran, died 113/731–2; Ibn Ḥajar, *Tahdhīb*, 9:216 f.; listed as a transmitter from Anas in Mizzī, *Tahdhīb al-kamāl*, 3:360.

[216] Muslim, *Ṣaḥīḥ*, *bāb al-qasāma*, 2:724 (no. 4450).

Later but more complete versions recorded by Bayhaqī and Ṭaḥāwī also include the detail of the shepherd's companion returning to Medina injured to inform the community of the murder, "*wa-jāʾa al-ākharu wa-qad juriḥa fa-qāla: qad qatalū ṣāḥibī*!"[217] Such motley admixtures of detail prevail throughout and belong to the historical evolution of the transmission. The difficulty arises, however, as to when such narrative variants appear in this process of transmission.

One moment when this transformation in the tradition can take place is when explicit connections are made between the said tradition and a specific qurʾānic pericope as well as the legal debates that the meeting of the two engenders. This has been observed in our analysis of the *mutawātir* portion of the transmission-cluster occuring approximately from the early mid-2nd century A.H. onwards – and not surprisingly, our first, extant attestation of such a tradition in the *tafsīr*-literature, *via* Muqātil ibn Sulaymān (d. 149/767), dates from this period.[218] The question as to why the Prophet did not carry out the penalties prescribed in the Qur'ān was a vexing one for the jurists.[219] Almost invariably, the traditionists argue that the penalties inflicted upon the criminals occurred prior to the revelation of the *ḥudūd* penalties, but other reasons emerge as well. From this stage in the tradition, one finds a unique (*gharīb*), but widely accepted, Basran transmission from Anas through Sulaymān al-Taymī (d. 143/760–1)[220] to Yazīd ibn Zurayʿ (d. 183/799),[221] who also transmits the Anas-tradition from both Ḥumayd and al-Ḥajjāj al-Ṣawwāf. This tradition informs us that the thieves had gouged out the eyes of the shepherds *first*, and the Prophet had only exacted as punishment the very acts they had committed against the shepherd. Such a detail emerges not as an authentic, neglected datum overlooked by the traditionists, but emerges merely as a hagiographic innovation whereby the cruelty of an otherwise illicit form of the punishment receives some modicum of justification.[222] It is feasible to associate the origin of such comments as being informed

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[217] Ṭaḥāwī, *Sharḥ*, 5:67 (no. 1818); Bayhaqī, *Dalāʾil*, 5:87.

[218] *Tafsīr*, 1:472.

[219] As can be gleaned from the discussions found in Ibn al-ʿArabī, *Aḥkām al-Qurʾān*, 2:591 ff. and al-Jaṣṣāṣ, *Aḥkām al-Qurʾān*, 2:406 ff.

[220] Ibn Ḥajar, *Tahdhīb*, 4:201–3.

[221] Ibn Ḥajar, *Tahdhīb*, 11:325–8.

[222] Muslim, *Ṣaḥīḥ, bāb al-qasāma*, 2:724 (no. 4453); Nasāʾī, *Sunan, bāb taḥrīm al-dam*, 2:667 (no. 4060); Tirmidhī, *Sunan*, *bāb al-ṭahāra*, 1:23 (no. 4453); Ṭabarānī, *Muʿjam*, 12:250 (no. 13246).

by Qurʾān 2:194, "Whoever assaults you, assault them with the like he assaulted you [*fa-man iʿtadā ʿalaykum fa-iʿtadū bi-mithli mā iʿtadā ʿalaykum*]." Like the Qatāda-stream discussed above, this tradition is preoccupied with the legal difficulties caused by the tradition with regard to the issue of *muthla* (i.e., punitory disfigurement) and, hence, also provides some hagiographic justification for the actions taken by Muḥammad in their case; therefore, it may also reflect the period when *muthla* was increasingly less-condoned as retaliatory punishment for a crime.[223] Hence, this tradition likely dates to the beginning of the 2nd century A.H. and, therefore, just prior to or contemporaneous with the systematization of the first *sīra*- and *maghāzī*-traditions. It is not surprising, moreover, that the *sīra*- and *maghāzī*-traditions almost universally mention the mutilation of a shepherd.[224]

Of another type are traditions equally concerned with the legal ramifications of the tradition but that tend to make such ramifications explicit by the inclusion of a frame story or expository comments extraneous to the narrative and bear directly on the juridical interpretation thereof. There are two *āḥād*-transmissions that both include some mention of Umayyad Caliph ʿAbd al-Malik within the context of a juridical interpretation. The first reads as follows:

> Muḥammad ibn Wahb – Muḥammad ibn Salama – Abū ʿAbd al-Raḥīm – Zayd ibn Abī Unaysa – Ṭalḥa ibn Muṣarrif – Yaḥyā ibn Saʿīd – Anas ibn Mālik said:
> "Bedouin [*aʿrāb*] from ʿUrayna approached the Prophet, and then they became Muslims [*fa-aslamū*]. The air of Medina made them ill until their color turned yellow and their bellies had swelled up. Then the Prophet sent them some milch-camels of his and ordered them to drink from their milk and urine until they recovered. Then they killed their (i.e., the milch-camels') shepherd [*fa-qatalū rāʿiyahā*] and herded off the camels. The Prophet sent after them, then they were brought forth. So he cut off their hands and feet and gouged out their eyes with nails [*samara aʿyunahum*]." The Amīr al-Mu'minīn 'Abd al-Malik said to Anas, and he was relating this *ḥadīth* to him, "For unbelief or for sin [*bi-kufr*^{in} *aw bi-dhanb*^{in}]?" (Anas) said, "For unbelief."[225]

[223] See ʿAbd al-Razzāq, *Muṣannaf*, 10:12 (nos. 18228–33).

[224] Of course, the borrowing could have also have gone in the opposite direction; however, due to the fact the *sīra*- and *maghāzī*-traditions exhibit features of composite and combined accounts, I believe this is the less likely of the two scenarios.

[225] Nasāʾī, *Sunan, bāb al-ṭahāra*, 1:49 (no. 308); Ṭaḥāwī, *Sharḥ*, 5:47 (no. 1797); Ibn Ḥibbān, *Ṣaḥīḥ, k. al-ṭahāra*, 4:226–8 (no. 1385).

Above, the brief, legal gloss serves to explain the reason for the execution of the criminals. Hence, in this tradition, Anas (rather than Abū Qilāba) avers that the execution transpired not for crimes as such but, rather, for apostasy. Such has been implied previously in the traditions explicitly mentioning apostasy stating that they "*kafarū*" or "*irtaddū baʿda islāmihim*".

The second ʿAbd al-Malik tradition, transmitted with a largely Egyptian *isnād* through Ibn Lahīʿa, shifts the focus slightly away from disbelief and places the main focus on the litany of nefarious crimes committed by the executed group. Furthermore, it asserts that Anas wrote the tradition to the caliph in a letter. It reads:

> ʿAlī ibn Sahl – al-Walīd ibn Muslim – Ibn Lahīʿa – Yazīd ibn Abī Ḥabīb related that:
> "ʿAbd al-Malik ibn Marwān wrote a letter to [*kataba ilā*] Anas ibn Mālik asking him about this verse (i.e., Qurʾān 5:33). Then Anas wrote a letter to him [*fa-kataba ilayhi Anas*] informing him that this verse was revealed concerning those group of ʿUraniyyūn from Bajīla. Anas said: 'They apostatized from Islam, killed the shepherd, herded off the camels, spread fear on the highway, and committed rape [*irtaddū ʿan al-islām wa-qatalū l-rāʿī wa-stāqū l-ibil wa-akhāfū l-sabīl wa-aṣābū l-farj al-ḥarām*].' Anas said, 'The messenger of God asked Gabriel about the ruling concerning those who commit brigandage [*fī-man ḥāraba*]. He (Gabriel) said, 'Whosever steals and spreads fear on the highway, cut off his hand for his thievery and his leg for spreading fear. And whosoever kills, kill him. And whosever kills, spreads fear on the highway, and rapes indiscriminately [*wa-staḥalla l-farj al-ḥarām*], crucify him."[226]

Despite the fact that this tradition only narrates what is putatively the second, 'post-apostasy' section of the Anas tradition as we have seen it, the expansions are numerous. Immediately one notices the lengthened litany of ill-deeds, adding rape and the sowing of fear along the highway to the already heinous crimes of murder and theft – of the community's charitable camels no less! This version also delineates the legal consequences of the Prophet's judgements concerning the criminals – here again giving them the technical, legal moniker '*muḥāribūn*' and providing the legal hierarchy of the punishments stipulated in Qurʾān 5:33. The problematic instance of *muthla*, 'mutilation', no longer appears either, and the narrative seamlessly drops any mention of

[226] Ṭabarī, *Jāmiʿ*, 10:267 (no. 11854).

the group having their eyes gouged out.[227] Furthermore, such legalizing appears as the product of none other than the perspicacious and unimpeachable juridical mind of the angel Gabriel himself.[228]

Lastly, we have two narratives ostensibly attributed to Thābit ibn Aslam al-Bunānī and al-Ḥasan al-Baṣrī both relating a story of an exchange between Anas and the Umayyad governor, al-Ḥajjāj ibn Yūsuf. We shall treat Thābit's version first. Ibn Kathīr's Thābit-tradition reads as follows:

> Ibn Mardawayh – Sallām ibn Abī al-Ṣahbāʾ – Thābit – Anas ibn Mālik said:
> "I never fretted over a *ḥadīth* as much as I fretted over a *ḥadith* about which al-Ḥajjāj asked me. He said, 'Tell me about the harshest punishment which the Messenger of God punished with. 'I said, 'Some people from ʿUrayna reached the Prophet from Baḥrayn, and they complained to the messenger of God about a stomach illness [*mā laqū min buṭūnihim*]. Their color turned yellow, and their bellies became emaciated [*wa-ḍamurat buṭūnuhum*]. So the messenger of God ordered them to go to the *ṣadaqa* camels and to drink from their urine and milk until their color returned and their stomach filled-out. They headed toward the shepherd, then they killed him and herded off the camels. The messenger of God sent (someone) in their tracks. So he cut off their hands and feet and gouged out their eyes with nails [*samara aʿyunahum*]. Then he cast them into the scorching desert [*al-ramaḍāʾ*] so that they died.' When al-Ḥajjāj had ascended the pulpit, he used to say, 'Indeed the messenger of God cut off the hands of a people as well as their feet, then he cast them into the scorching desert so that they died in the case of camels [*bi-ḥāli dhawd^{in} min al-ibil*].' So al-Ḥajjāj used to use this *ḥadīth* as a prooftext against the people [*kāna al-Ḥajjāj yahtajju bi-hādhā l-ḥadīth ʿalā l-nās*]."[229]

While the probity of the transmitters of this account have been placed in doubt – rendering the *isnād* sorely defective – the *matn* conforms rather closely to the narrative structure of most of the other Anas traditions. Despite this fact, this tradition alone provides us with too little material for the reconstruction the original transmission of Thābit – which in all other extant sources appears only as a 'hypothetical' *matn* – even if a transmitter of another Anas-tradition invokes

[227] Cf. n. 46 above.
[228] Such hierarchy of *ḥadd* punishment for *ḥirāba* came to be systematized in juridical doctrine around the beginning of the 2nd century A.H., e.g., see ʿAbd al-Razzāq, *Muṣannaf*, 10:48 f. (nos. 18542-5) *et passim*.
[229] Ibn Kathīr, *Tafsīr*, 3:137 f.

the name of Thābit while noting variants. The uniformity between the texts cannot be utilized to establish the veracity of the text due to the vast number of alterations and permutations that otherwise occur as a by-product of the transmission and compilation process itself. For instance, one can see that although a few transmissions connected with his name appear in al-Tirmidhī, Thābit's name appears besides Qatāda and Ḥumayd. The texts, however, bear affinities for the Ḥumayd's transmission stream and show none of the characteristics of the Qatāda traditions, which we can compare them against, despite the fact that the *isnād* claims transmission from all three scholars.[230] Furthermore, Ibn Kathīr's version contains features incommensurate with the transmission exhibited in Tirmidhī's compilation and any of the variants attributed to Thābit elsewhere, such as detailed description of the tribe's illness and the exchange between Anas and al-Ḥajjāj.[231] None of these sidelights attributed to Thābit indicate the existence of such a story. Consequently, the oldest forms of Thābit's transmission from Anas seem lost – assuming such a tradition ever existed in the first place.

In the two traditions claiming to have been transmitted on the authority of al-Ḥasan al-Baṣrī from Anas, we encounter two sharply distinct interpretations of the incident. Ṭaḥāwī's more sober account merely informs that Anas related the tradition to al-Ḥajjāj after the governor inquired, "What is the harshest punishment with which the Messenger of God punished [*mā aʿẓamu ʿuqūbat^in ʿāqaba bihā rasūlu llāhi*]?" Afterwards, an abbreviated version of the narrative is given and, thus, closely resembles the one attributed to Thābit above.[232] However, in the version of ʿAbd al-Razzāq, we read:

> al-Ḥasan said: "Anas aided a devil and narrated to him (i.e., al-Ḥajjāj) that the Prophet cut off (hands) and gouged out (eyes),' and he reproached Anas for that [*ʿamada Anas^un ilā shayṭān^in fa-ḥaddathahu anna al-nabī qaṭaʿa wa-samala, yaʿību dhālika ʿalā Anas^in*]."[233]

This report is obviously much more ambivalent about the tradition and demonstrates that at least some scholars – as early as the latter

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[230] See Tirmidhī, *Sunan, bāb al-ṭahāra*, 1:22 (no. 72); ibidem, *bāb al-aṭʿima*, 1:484 (no. 1963); ibidem, *bāb al-ṭibb*, 2:527 (no. 2177).
[231] E.g., Nasāʾī, *Sunan, bāb taḥrīm al-dam,* 2:666 (no. 4051).
[232] Ṭaḥāwī, *Sharḥ*, 5:68 (no. 1819).
[233] ʿAbd al-Razzāq, *Muṣannaf*, 9:115 (no. 17132).

half of the 2nd century A.H. – were cognizant of grisly nature of these punishments as they themselves not too rarely faced the peril of these punishments at the hands of government officials who were not always inclined to be amicable towards men of their station. The role of al-Ḥajjāj ibn Yūsuf and the infamous conflagrations occurring between him and Baṣran scholars such as Anas ibn Mālik and al-Ḥasan al-Baṣrī manifests itself in these traditions, perhaps, the anxiety accompanied with the transmission of this harsh tradition. The historian Masʿūdī (d. 345/956) observes that there was great deal of disputation among the jurists over the meaning of this tradition.[234] Indeed, a significant number of these traditionists, such as Sufyān al-Thawrī and Saʿīd ibn Jubayr, were threatened with the very punishments both this *ḥadīth* and Qurʾān 5:33 recommended to be meted out.[235]

ʿUrwa/ʿĀʾisha and Ibn ʿUmar Traditions

II.5. Outside the Anas traditions, the arrangement of the fundamental components of the ʿUrayna tradition can sometimes entirely dissolve. In the case of the transmission from ʿUrwa ibn al-Zubayr, we can observe the presence of many of the *topoi* found in the Anas-traditions arranged in a manner largely deviating from those traditions:[236]

> Ibn Wahb – ʿAbd Allāh ibn Lahīʿa – Abū l-Aswad – ʿUrwa ibn al-Zubayr said:
> Ibn Wahb – Yaḥyā ibn ʿAbd Allāh ibn Sālim and Saʿīd ibn ʿAbd al-Raḥmān al-Jumaḥī and Ibn Samʿān – Hishām ibn ʿUrwa – ʿUrwa ibn al-Zubayr said:
> "{1} Some people from ʿUrayna raided the Messenger of God's milch-camels [*aghāra nās^{un} min ʿurayna ʿalā liqāḥi rasūli llāhi*]. {2} They herded them off {3} and killed a slave-boy of his [*ghulām^{an} lahu*]. {4} So the Messenger of God sent [someone] in their tracks. {5} They were caught

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[234] *Kitāb al-tanbīh wa-l-ashrāf*, 252, "*ʿalā mā fī hādhā l-khabar min al-tanāzuʿ bayna l-fuqahāʾ fī maʿnāhu wa-fī āyat al-muḥāraba wa-aḥkām al-muḥāribīn*."

[235] The sources record other confrontations between Anas and al-Ḥajjāj ibn Yūsuf as well. See Ibn Saʿd, *Ṭabaqāt*, 5:339 ff.; A.J. Wensinck, "Anas ibn Mālik,"482 a; M. Cook, *Commanding Right and Forbidding Wrong in Islamic Thought*, 63 f. *et passim*. Besides Anas, one could also mention the ill-fated Saʿīd ibn Jubayr (although the ascription to him of the tradition examined below is dubious) in that he also suffered al-Ḥajjāj's wrath, as did many Medinans, for his involvement in the uprising of Ibn al-Ashʿath, *ca.* 80–83 A.H.; see Ibn Khallikān, *Wafayāt al-aʿyān*, 2:371–374. Sufyān al-Thawrī himself hardly escaped crucifixion at the hands of al-Manṣūr (r. 136–58/754–75); see Ibn Ḥajar, *Tahdhīb*, 4:114.

[236] Ṭabarānī, *Muʿjam*, 12:250 (no. 13247).

> [*ukhidhū*], {6} then he cut off their hands and feet {7} and gouged out [*samala*] their eyes.[237]

As noted in the examination of the tradition's *isnād*s, the variants of this tradition are minor and mostly iterative. The version attributed to ʿĀʾisha replaces the above "*nās min ʿurayna*" with "*qawm*" and includes only elements 1 and 5–7 of the story;[238] this is merely a further abridgement of the tradition.[239] Yet, one should cautiously observe that, despite the preservation of certain *topoi* also shared by the Anas-tradition, the narrative itself has significantly changed: there is no dual conversion-apostasy structure, no fulcrum dividing the narrative in half. Rather, the group enters the fray straight away from the desert raiding (the verb-usage "*aghāra*" is unique) the Prophet's (viz., the Medinan community's charitable trust?) livestock. Additionally, the shepherd(s) of the Prophet here become a slave-boy (*ghulām*) instead. Likewise, the nature of the crime transforms as well. Not only is the group's apostasy deleted, but also the crimes of theft and murder move into the foreground as raiding and brigandage become the principle offense. Even the murder itself seems secondary and unimportant in light of the fact that any mention of it in ʿĀʾisha's tradition disappears altogether.

Outside Ibn Wahb's corpus, one other significant attestation of early provenance exists for the ʿUrwa tradition: the *Muṣannaf* of ʿAbd al-Razzāq. This attestation diverges noticeably from Ibn Wahb's version in that it loses its narrative form altogether. It takes the form, rather, of a straightforward, factual statement:

> ʿAbd al-Razzāq – Maʿmar – Hishām ibn ʿUrwa – his father:
> "The Prophet disfigured those who stole his milch-camels [*al-nabī ṣlʿm maththala bi-lladhīna saraqū liqāḥahu*]. He cut off their hands and legs and gouged out their eyes."[240]

Could we have here the original, pre-Egyptian form of the report from ʿUrwa that later evolved – perhaps at the hands of Ibn Lahīʿa who himself transmits multiple versions of the ʿUrayna story – into the tradition appearing in Ibn Wahb's corpus? The possibility strikes me

237 Nasāʾī, *Sunan*, *bāb taḥrīm al-dam*, 2:667 (no. 4057).
238 Nasāʾī, *Sunan*, *bāb taḥrīm al-dam*, 2:666 (nos. 4054–4055); Ibn Māja, *Sunan*, *bāb al-ḥudūd*, 1:375 (no. 2677).
239 But, cf. ʿAbd al-Razzāq, *Muṣannaf*, 10:48 (no. 18539).
240 Ibidem.

as a likely one – much likelier at least than the transmission ostensibly enshrined in the *isnād* cluster. After all, many of the *fuqahāʾ* commented upon the legal ramifications of the tradition even if they did not themselves take pains to relate it on the authority of a teacher.[241]

Lastly, some comments on the Ibn ʿUmar tradition are in order. The *matn* reads as follows:

> Aḥmad ibn Ṣāliḥ – Ibn Wahb – ʿAmr ibn al-Ḥārith – Saʿīd ibn Abī Hilāl – Abū Zinād – ʿAbd Allāh ibn ʿUbayd Allāh ibn ʿUmar – Ibn ʿUmar: "{1} Some people raided the camels of the Prophet [*anna nās*^an^ *aghāra ʿalā ibili l-nabī ṣlʿm*], {2} and they herded them off. {3} They apostatized from Islam [*irtaddū ʿan al-islām*], {4} and they killed the shepherd of the Messenger of God – a believer [*muʾmin*^an^]. {5} He sent (someone) in their tracks. {6} They were caught [*ukhidhū*], {7} they cut off their hands and feet, {8} and gouged out their eyes."[242]

As mentioned in the *isnād*-analysis above, the Ibn ʿUmar tradition resembles the ʿUrwa tradition in all parts with the exception of three key variants: the addition of the word "*irtaddū*" (thus stating the camel-raiders apostatized from Islam), replacing "*ghulām*" with "*rāʿī*", and addition of the qualification that the shepherd was a believer when killed.[243] The absence of the name of the tribe is probably an abbreviation. That this entire tradition is a corruption combining the ʿUrwa- and Anas-traditions is evident in the fact that ʿUrwa-tradition provides no coherent context wherein apostasy could have even occurred; therefore, it also represents a different view of punishments detailed in the *ḥadīth* – one in which the crime is simply stated in terms of brigandage instead of apostasy. One is tempted to speculate that the numerous problems of this version of the tradition caught in a virtual state of arrested development. The fact that both traditions derive their origins from Egypt also poses a significant problem; however, the existence of the Ibn ʿUmar tradition does help us in dating the ʿUrwa tradition to at least sometime in the middle of the 2nd century A.H.

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[241] E.g., as was the case with Shāfiʿī and Abū Thawr as well as others no doubt, see Ṭabarī, *Ikhtilāf*, 259.

[242] Abū Dāwūd, *Sunan*, *bāb al-ḥudūd*, 2:729 (no. 4371); Ṭabarānī, *Muʿjam*, 12:250 (no. 13247); Bayhaqī, *Sunan*, *k. al-sariqa*, 8:282.

[243] This last feature bears a close resemblance to the transmission of Muḥammad ibn Abī ʿArūba from Ḥumayd al-Ṭawīl, see above.

III. The Formation of the *Sīra*- and *Maghāzī*-Tradition

Outside the above traditions, other narrative accounts resist such similar types of source-critical analysis by virtue of the fact that they are often found in solely one attestation. Hence, we are forced to merely compare these accounts with the other traditions on a textual level while mining the biographical dictionaries for helpful hints in one direction or another. Generally speaking, these traditions possess *isnād*s that are, by the standards of the traditionists, either weak or marred by some other methodological flaw and *matn*s that contain a vividness of narration absent from the more strictly transmitted traditions examined above. These traditions come well nigh to the *sīra*- and *maghāzī*-traditions typical of the ʻUrayna tradition and serve often as the precursors and/or materials employed in the composition of the most refined and polished versions of the ʻUrayna tradition – for which Wāqidī's *Maghāzī* represents the paradigmatic case. Most *maghāzī*-traditions, it will be noticed, have *isnād*s either containing figures not as highly-esteemed by the scholars of *ḥadīth*-criticism or exhibiting a departure from the usual methodology thereof (e.g., citing unnamed sources, creating collective *isnād*s, etc.); however, one should read this in the context of the *akhbārī* vs. *muḥaddith* antagonism arising from their divergent methodological approaches to the preservation and transmission of the history of the Islamic community.[244] The *isnād* is, in fact, the most conspicuous locus of the methodological bifurcation between these two regimes of knowledge and genres of literature. For our purposes, the respective virtues of one technique over the other can be put aside. Just as the *akhbārī*s and traditionists found themselves at cross-purposes, modern scholars find themselves equally at cross-purposes with both. More important for this study is the potential to discover the extent to which these *sīra*- and *maghāzī*-traditions can be discovered to have their prototypical origins in the same Baṣran milieu of the Anas-tradition or from a plurality of sources.

In order to demonstrate this effectively, some common prejudices and dogmas recurrent in modern scholarship have to be debunkeed.

[244] W. al-Qāḍī, "Biographical Dictionaries as the Scholars' Alternative History of the Muslim Coummunity," 23–76. This antagonism finds perhaps one of its most paradigmatic manifestations in the conflict between Ibn Isḥāq and Mālik ibn Anas; see Ibn Sayyid al-Nās, *ʿUyūn al-athar fī funūn al-maghāzī*, 1:16 f. See also G. Schoeler, *Charakter und Authentie*, 39 f. and Juynboll, "Early Islamic Society," 160.

One of these dogmas states that the more defective *isnād*s always accompany earlier forms of a tradition than a more complete or perfect *isnād*.[245] Such is not necessarily the case when examining all the variants of a given tradition. In fact, with regard to the ʿUrayna tradition, the exact opposite can be definitively shown to be the case.[246] Among the early examples of the *sīra*- and *maghāzī*-versions of the ʿUrayna tradition is the following *mursal* tradition attributed to Saʿīd ibn Jubayr (d. 95/713–4) appearing in Ṭabarī's *tafsīr*:

> Muḥammad ibn ʿAlī ibn al-Ḥasan ibn Shaqīq – his father – Abū Ḥamza – ʿAbd al-Karīm,[247] and he was asked about the urine of camels, said: Saʿīd ibn Jubayr related concerning brigands [*al-muḥāribīn*]:
> "There were people who came to the Prophet, then they said: 'We give you our allegience to Islam [*nubāyiʿuka ʿalā al-islām*]! So, they gave their allegience to him – but they were lying and had no inclination towards Islam [*wa-hum kadhabat*^{un} *wa-laysa al-islāma yurīdūna*]. Then they said, 'Medina is making us ill [*najtawā al-Madīna*]!' The Prophet said: 'These milch-camels will go out in the morning by you and return in the evening [*taghdū ʿalaykum wa-tarūḥu*], so drink from their urine and milk.' While they were going about their daily affairs, the one crying for aid came and cried out to the Messenger of God [*idh jāʾa al-ṣarīkhu fa-ṣarakha ilā rasūli llāh*].[248] He said: 'They've killed the shepherd and herded off the livestock [*wa-sāqū al-naʿama*]!' The Prophet gave orders and the people were called upon, 'Oh steed of God, ride!' [*fa-nūdiya fī nās*^{in} *an yā khayl*

[245] J. Schacht, *Origins*, 39, 156 f., 165; cf. M. Cook, *Muslim Dogma*, 107 f. Schacht's position in large part depends on his (in my opinion erroneous) dating and indentification of the *fitna* after which *isnād*s came into usage as being the killing of the Umayyad Caliph Walīd ibn Yazīd (d. 126/744); see his *Origins*, 36 f.; see also the critical commentary by H. Motzki, *Origins*, 22–24. The position of J. Horovitz, which placed the origins of the *isnād* within the last third of the 1st century A.H., has since Schacht's disputation been redeemed by Juynboll. Cf. J. Horovitz, "Alter und Ursprung des *Isnād*," 43 f.; Juynboll, "The Date of the Great *Fitna*," 142–59.

[246] Defective *isnād*s are undeniably improved as time progresses, of course, but this does not justify a blanket classification of such traditions as earlier than those with complete *isnād*s. As seen above, the case of the ʿUrwa-tradition bears evidence of a typical backward growth of an *isnād* to his aunt, ʿĀʾisha. Perhaps such backward growth, when it does occur, can be seen as only bearing specifically on the transmission stream within which it occurs. Therefore, it is useful in dating the traditions falling within a given transmission stream but not the transmission cluster in its entirety.

[247] Syrian, d. 127/744–5; Ibn Ḥajar, *Tahdhīb*, 6:373–75, s.v., ʿAbd al-Karīm ibn Mālik al-Jazarī; cf. Dhahabī, *Mīzān*, 2:244.

[248] The cry could either be for aid or as a warning of an impending attack; although the usage here is not at all apocalyptic, cf. the evolution of the term '*ṣarīkh*' in D. Cook, *Studies in Muslim Apocalyptic*, 310 f. Compare also its occurrence in the Wuhayb – Ayyūb – Abū Qilāba – Anas tradition (see sec. II.1.a above.) and the Muʿāwiya ibn Qurra tradition (see sec. II.4.).

> *allāhi irkabī!*]. They rode off without a single rider waiting upon another [*rakibū lā yantaẓirū fārs^{un} fārs^{an}*], and the Messenger of God rode off in their tracks. They continued pursuing them until they pushed them into their safe haven [*adkhalūhum maʾmanahum*]. The companions of the Prophet returned having captured some of them. They brought them to the Prophet and God revealed the verse '[Q. 5:33]'."
>
> He said: "Their banishment was that they banished them until they pushed them into their safe haven and their land and exiled them from the land of the Muslims. The Prophet of God killed, crucified, amputated, and gouged out the eyes of some of them. He said: "The messenger of God had never mutilated [*fa-mā maththala*] anyone either before or after that." He said: "He forbade punitive mutilation [*nahā ʿan al-muthla*], and he said: 'Do not mutilate anyone' [*nahā ʿan al-muthla wa-qāla lā tumaththilū bi-shay^{ʾin}*]." He said: "Anas ibn Mālik used to say that; except that he said, 'He burned them with fire after having killed them.' "[249]

That this is a later tradition post-dating the Anas tradition cluster is evident in both the *isnād* of the tradition and the content of its *matn*. The *isnād* gives the verisimilitude of a Kūfan genesis for the ʿUrayna tradition whereas the overwhelming corpus of evidence points to Baṣran origins. Most problematic, however, are the figures who populate the *isnād*. Abū Ḥamza,[250] for instance, apparently was renounced by his former student, ʿAlī ibn al-Ḥasan ibn Shaqīq (d. 211/826–7), who compared him to a braying donkey.[251] The attribution of the tradition is not so straightforward as pointing to a mendacious traditionist. ʿAbd al-Razzāq records the same tradition but with the *isnād*: Ibn Jurayj – ʿAbd al-Karīm – Saʿīd ibn Jubayr. Here the *isnād* is much less defective, and taking the two together, ʿAbd al-Karīm (d. 127/744–5) appears as the common link for both. The version of tradition recorded by ʿAbd al-Razzāq is also considerably shorter than that of Ṭabarī – ʿAbd al-Razzāq's preserves only the following features: the reported speech of the tribe complaining of their sickness (but here it is the Banū Sulaym, not the Banū ʿUrayna), the Prophet's recommendation for its remedy, the crimes of murder and theft, a note on punitive disfigurement "*fa-maththala bihim al-nabī*", and a mention

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249 Ṭabarī, *Jāmiʿ*, 10:245 f. (no. 11810).

250 Ibn Ḥajar, *Tahdhīb,* 10:395 f., s.v. Maymūn, Abū Ḥamza al-Aʿwar al-Qaṣṣāb al-Kūfī; Dhahabī, *Mīzān*, 4:234.

251 Ibn Ḥajar, *Tahdhīb*, 7:299.

of the revelation of Qurʾān 5:33.[252] The tradition recorded by Ṭabarī likely represents a corrupt version of the tradition recorded by ʿAbd al-Razzāq – arising perhaps from a process similar to the evolution of the ʿUrwa-tradition. Looking beyond the *isnād* and into the *matn* of Ṭabarī's version, one observes the same skeletal outlines presented to us in the Anas-traditions; however, the transmission ostensibly from Saʿīd ibn Jubayr is distinguished from the mass of these 'mainstream' traditions in the way in which the tale unfolds with considerably more literary flourish and with the juridical interpretation of the tradition already embedded within the narrative. Also present is the integration within the narrative of the qurʾānic material and along with an explicit delineation of how such revelatory material relates to the normative exemplar embodied in the practice of the Prophet. These later developments, here fully developed and integrated into the narrative, point overwhelmingly to the late provenance of the Saʿīd ibn Jubayr tradition vis-à-vis the Anas-transmission cluster.

Of course, this is not to say that false attribution of later traditions to Muḥammad's companions did not occur. This phenomenon can be observed in two starkly different traditions in which the alleged source of the tradition is a *ṣaḥābī* named Jarīr ibn ʿAbd Allāh ibn Jābir (d. 51/675). Ṭabarānī preserves a tradition positing Jarīr as the source of a narrative that in its wording is wholly in conformity with the ʿUrwa tradition discussed above. It reads, "People from ʿUrayna raided the milch-camels of the Messenger of God, so the Prophet ordered that their hands and feet be cut off and that their eyes be gouged out [*anna nās^an min ʿurayna aghārū ʿalā liqāḥ rasūl Allāh ṣlʿm*, *fa-amara l-nabī ṣlʿm an tuqṭaʿa aydīhim wa-arjuluhum wa-an tusmala aʿyunuhum*]."[253] Yet another tradition attributed to Jarīr places him directly into the middle of the action:

> Muḥammad ibn Khalaf – al-Ḥusayn ibn Ḥammād – ʿAmr ibn Hāshim – Mūsā ibn ʿUbayda – Muḥammad ibn Ibrāhīm – Jarīr said that:
> "Some folks from 'Urayna approached the Prophet barefooted and stricken ill [*ḥufāt^an wa-maḍrūrīn*]. The Prophet ordered them (to the camels). When they recovered their health and strengthened [*ṣaḥḥū wa-shtaddū*], they killed the shepherds of the milch-camels. Then they went off with the milch-camels heading with them to the land of their people." Jarīr said, "The messenger of God put me in charge [*baʿathanī*]

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[252] ʿAbd al-Razzāq, *Muṣannaf*, 10:48 (no. 18540).
[253] Ṭabarānī, *Muʿjam*, 2:358 f. (no. 2509).

> of a group of Muslims until we reached them after they had nearly reached the land of their people. We came to the Messenger of God with them. He cut off their hands and feet from opposite sides [*min khilāf*[in]] and gouged out their eyes. They started to say, 'Water!' The Messenger of God said, 'Hellfire [*al-nār*]!' until they perished." He said, "God abhorred the gouging out of eyes, so he revealed this verse, '(Qurʾān 5:33)'."[254]

The *isnād*s of these traditions both suffer severely from the poor reputation of the Medinese Mūsā ibn ʿUbayda al-Rabadhī (d. 152/769),[255] who also appears as the common link for both. Perhaps this accounts then for what appears to be in hindsight the egregious anachronism of making Jarīr the narrator of the story and the leader of the expedition, who according to the prosopographical literature became a Muslim merely forty days prior to the death of the Prophet and, therefore, long after the putative date of the revelation of *sūrat al-māʾida* in 6 A.H.[256] Thus, the tradition may represent a stage prior to the dating of these traditions or might also represent a botched attempt to do so. Again, however, we see key elements from the template of the Anas-traditions preserved in terms of structure, and many of the variations of the Anas-tradition preserved in the details of this tradition point to the chronological antiquity of the Baṣran transmission cluster.

Invariably, the hitherto unnamed persons involved in the story of ʿUrayna acquired more specific, historical personages in the literature that eventually came widespread. The more these traditions develop into *sira*- and *maghāzī*-traditions proper, there develops at a secondary stage an increased desire to provide the names of the main persons involved in the event, to fill in gaps in the narrative, and to assign its actual date. [257] The latter is intimated in the early attempts to relate the

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[254] Ṭabarī, *Jāmiʿ*, 10:247 (no. 11811).

[255] He is often compared with Ibn Isḥāq to the latter's favor, see Ibn Ḥajar, *Tahdhīb*, 10:356–60.

[256] Ṭabarānī, *Muʿjam*, 2:358 (no. 2507); Ibn Ḥajar, *Tahdhīb*, 2:83–5.

[257] The sources confer on the year in which the incident with tribesmen occurred, i.e., 6 A.H., but differ widely and irreconcilably about the month; see J.M.D. Jones, "The Chronology of the '*Maghāzī*' – A Textual Survey," 245–80, esp. 278 f. This approximate agreement points to either a conservative adherence to early precedent in dating with only minor alterations or a rather uniform methodology in determining the dates of the event. The criteria used by these early scholars for dating is rather difficult to discern but probably arose in part from the perceived chronology of the revelation of the contents of the Qurʾān and the association of traditions with those contents. As will be argued further below, the hypothesis that this second stage in the evolution of the tradition occurs in the middle of the 2nd century A.H. conforms chronologically to the appearance of named persons throughout the traditions as

tradition to the *asbāb al-nuzūl*, which can be seen as both a new historicizing trend and an early innovation in the exegetical hermeneutics of both the Qurʾān and *ḥadīth* (although here the concern seems to be juridical first and only later chronological). This process appears to be due to written systematization, which had its origins in Medinan circles sometime in early middle of 2nd century A.H. Ibn Isḥāq provides us with one of the earliest records of a tradition containing all this information:

> I heard from one of the people of learning, from one who related it to him – Muḥammad ibn Ṭalḥa – ʿUthmān ibn ʿAbd al-Raḥmān said:
> The Messenger of God acquired in the raid of Muḥārib and Banū Thaʿlaba a slave named Yasār, so the Messenger of God put him among some of his milch-camels grazing in the direction of Jammāʾ. Then a band of Qays Kubba from Bajīla (i.e., Baḥrayn) came to the Messenger of God, but they were stricken ill with swollen spleens [*fa-istawbaʾū wa-ṭuḥilū*]. The Messenger of God said to them, "If only you would go out to the milch-camels, drink from their milk and urine." They went out to them. When they recovered and their bellies had fattened [*saḥḥū wa-inṭawat buṭūnuhum*], they turned against the Messenger of God's shepherd, Yasār. Thus they slew him, rammed spikes into his eyes [*gharazū al-shawk fī ʿaynayhi*],[258] and herded off the milch-camels. The Messenger of God sent Kurz ibn Jābir in their tracks, and he caught up with them.

evidenced in the putative evolution of the historical texts as we have them. Although this largely depends on the acceptance of the above argument for the antiquity of the Baṣran tradition, I believe the analysis above provides the most compelling explanation of the data available to us. The Medinan traditionist and student of Zuhrī, Mūsā ibn ʿUqba (d. 141/758; see Sezgin, *GAS*, 1:286 f.), provides potentially another contemporary occurrence of this 'naming' phenomenon in a text appearing in later compilation; see Ibn Sayyid al-Nās, *ʿUyūn al-athar*, 2:88 f. If the integrity of the ʿUrayna text of Mūsā ibn ʿUqba's *maghāzī* has indeed been accurately preserved in the text of Ibn Sayyid al-Nās, the occurrence of "Saʿīd ibn Zayd" as another potential name of the *amīr* of the troop sent after the ʿUranīs indicates that there was at least more than one name beginning to circulate with the tradition toward the middle of the 2nd century A.H. This text is problematic to date, however, inasmuch as the *isnād* is not preserved unlike the fragments that have been preserved from Mūsā's *Maghāzī*. On this fragment, see Eduard Sachau, "Das Berliner Fragment des Mûsâ ibn ʿUḳba: Ein Beitrag zur Kenntnis der ältesten arabischen Geschichtslitteratur," 445–70; J. Schacht, "On Mūsā ibn ʿUqba's Kitāb al-Maghāzī," 288–300; G. Schoeler, "Mūsā ibn ʿUqbas *Maghāzī*," 67–97. Wāqidī knows of yet another individual who could have possibly been the *amīr* of the horsemen, whom he names as Ibn Zayd al-Ashhalī, although Wāqidī apparently implicitly favors Kurz ibn Jābir by making him the *amīr* in his actual narration; see Wāqidī, *Maghāzī*, 2:570. See also the far less credulous naming of ʿAlī ibn Abī Ṭālib as being the *amīr* of the expedition in Muqātil, *Tafsīr*, 1:472.

[258] The disfigurement of the shepherd circulated independently in the tradition of Yazīd ibn Zurayʿ (see above) and here is probably assimilated into the narration, although not necessarily by Ibn Isḥāq as will be seen below.

> He brought them to the Messenger of God while he had just returned from the raid of Dhū Qarad. He cut off their hands and feet and gouged out [*samala*] their eyes.[259]

As is common for *sīra*- and *maghāzī*-traditions, the *isnād* is Medinan – at least with regard to the named transmitters. Although the source for the story, the obscure ʿUthmān ibn ʿAbd al-Raḥmān, never met the Prophet, his father was allegedly a *ṣaḥābī*. 'Uthmān, generally, has nevertheless maintained a favorable reputation as a transmitter; he also, significantly, transmits from Anas ibn Mālik.[260] Thus, one could postulate either his father or the Baṣran circles originating the Anas-tradition as potential sources for the story. Muḥammad ibn Ṭalḥa al-Taymī (d. 180/796–7) is, again, Medinese and a somewhat obscure transmitter whose writing down of *ḥadīth* tarnished his reputation.[261] The late date of this figure makes his appearance in an *isnād* of Ibn Isḥāq's *sīra* problematic insofar as Ibn Isḥāq died in Baghdād in 151/796–7; but perhaps Ibn Isḥāq encountered a written form of this tradition prior to his death and incorporated it into his *sīra*, as was known to be his custom.[262] Despite the fact that the tribe of the group has changed from ʿUrayna to Qays Kubba, this story has universally been related to the *ḥadīth* of Anas, and indeed it shares the same skeletal outline of the Anas-tradition, suggesting that it served as the template for Ibn Isḥāq's version. Some departures are nevertheless important to mention. The main ones include the 'preface' about Yasār, the notes about the preceding and simultaneous events surrounding the incident, and the integration of Yasār's ghastly end at the hands of the men from ʿUrayna, which before circulated independently in a tradition transmitted by Yazīd ibn Zurayʿ on the authority of Sulaymān al-Taymī (see sec. II.4. above). These departures are placed either before or between narratives 'seams' and, thus, do not compromise the structure of the template of the Anas-tradition. Multiple versions of the tradition, in fact, could have served as the basis for Ibn Isḥāq presenting us with

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[259] Ibn Hishām, *al-Sīra al-nabawiyya*, 2:640 f. The account does not appear in Ibn Isḥāq, *K. al-Siyar wa-l-maghāzī*, on which see M. Muranyi, "Ibn Isḥāq's *Kitāb al-maġāzī* in der *riwāya* von Yūnus ibn Bukair: Bemerkungen zur frühen Überlieferungsgeschichte," 214–275; G. Schoeler, *Charakter und Authentie*, 48 f.; idem, *Écrire et transmettre*, 75–7.

[260] Mizzī, *Tahdhīb al-kamāl*, 19:424 f., s.v. ʿUthmān ibn ʿAbd al-Raḥmān ibn ʿUthmān al-Qurashī al-Taymī; Ibn Ḥajar, *Tahdhīb*, 7:133.

[261] Ibn Ḥajar, *Tahdhīb*, 9:237 f.; Dhahabī, *Mīzān*, 3:588.

[262] G. Schoeler, *Charakter und Authentie*, 39.

the problematic, unnamed transmitters appearing in the *isnād*, which may be an indication of a plurality of sources.[263] The *isnād*, though defective, is not – as Robson would likely suggest – defective or imperfect due to its antiquity,[264] for the *isnād* had been practiced for at least a generation prior to the compilation of his *sīra*.[265] Rather, the above account represents an early instance of the innovation known as the 'combined *isnād*' which was beginning to become prevalent in the middle of the 2nd century A.H. and which would become one of the touchstone characteristic of the *akhbārī* appropriation of the *maghāzī*-traditions.[266]

The principal source for the names of both the shepherd and the *amīr* of the expedition (some narratives seem to portray the latter as going out alone) as seen in Ibn Isḥāq's tradition above can be determined with a good deal of certainty. This becomes particularly evident when perusing the prosopographical works on the Companions of the Prophet. Such precursors to the tradition of Ibn Isḥāq are vital to showing both that Ibn Isḥāq's tradition is composite and that his *isnād*, albeit obliquely, shows this precisely to be the case. The most important of these sources is a tradition appearing in *al-Muʿjam al-kabīr* of Ṭabarānī. Due to its wealth of information with regard to the persons involved in the 'Urayna affair, it invariably serves as the principal source on the 'Urayana event in prosopographical works thereafter:

> Muṣʿab ibn Ibrāhīm ibn Ḥamza al-Zubayrī – Ibrāhīm ibn Mundhir al-Ḥizāmī – (ح)
> Al-Ḥusayn ibn Isḥāq al-Tustarī – Muḥammad ibn al-Walīd al-Madanī – Muḥammad ibn Ṭalḥa al-Taymī – Mūsā ibn Muḥammad ibn Ibrāhīm al-Taymī – his father – Abū Salama ibn ʿAbd al-Raḥmān – Salama ibn al-Akwaʿ said:
> The Prophet had a slave-boy [*ghulām*] called Yasār, and he saw him excelling in prayer [*fa-naẓara ilayhi yuḥsin al-ṣalā*]. So he manumitted him and placed him over his milch-camels in the *ḥarra*, and he was with them.[267] Then some people from 'Urayna, from the Yemen, feigned Islam [*fa-aẓhara qawm*[un] *al-islām min ʿurayna min al-yaman*]. They came and were sick with illness [*wa-hum marḍā mawʿūkūn*]. Their bellies swelled

[263] J. Robson, "Ibn Isḥāq's Use of the *Isnād*," 452 f.
[264] Ibidem, 451.
[265] See n. 245 above.
[266] Michael Lecker, "Wāqidī's Account on the Status of the Jews of Medina: A Study of a Combined Report," 19 f., n. 21; J.M.D. Jones, "*Maghāzī* Literature," 347 ff.
[267] Note the reappearance of the 'preface' to the tradition, and soon thereafter, the integration of the hagiographic gloss transmitted by Yazīd ibn Zurayʿ.

> [ʿ*azumat*]. The Prophet sent them to Yasār. They drank from their urine and milk until they bellies settled [*inṭawat*]. They turned against Yasār, slew him, and put spikes [*jaʿalū al-shawk*] in his eyes. Aftewards, they rode off with the milch-camels. So the Prophet sent in their tracks a troop of cavalry [*khayl*^{an}] from the Muslims with Kurz ibn Jābir al-Fihrī as their *amīr*. He overtook them, and then he brought them. So he cut off their hands and feet and gouged [*samala*] out their eyes.[268]

When comparing this tradition above with the tradition of Ibn Isḥāq, one notices immediately the common transmitter Muḥammad ibn Ṭalḥa al-Taymī. As this transmitter is the only figure present in both the *isnād* of Ibn Isḥāq and Ṭabarānī, he must be the original source for the most widely excepted names of the two principle figures participating in the ʿUrayna narrative; hence, it is easy to see how the Prophet's shepherd is identified by name (i.e., Yasār) in these two accounts, while he remains nameless in the vast majority of traditions derived from Anas and every other version derived therefrom.[269] The tradition found in Ṭabarānī, combined with the testimony of Ibn Isḥāq, is crucial to dating the origins of the traditions containing names to around the early middle of the 2nd century A.H. Invariably, the hitherto unnamed persons involved in the story of ʿUrayna receive their names from a tradition or traditions purveyed by Muḥammad ibn Ṭalḥa al-Taymī. In a religious ethos in which the entire structure of religious thought and practice depends on the most minute datum, even such a fastidious scholar such as Ibn Ḥajar willingly imbibes the information proffered by Ṭabarānī's tradition – albeit with additional attestations to the general outlines of the story – although he does not hesitate to mince words impugning Ṭabarānī's methodology in his collecting of *ḥadīth*s elsewhere.[270] It is ironic, moreover, that Kurz ibn Jābir al-Fihrī (d. 8/629) becomes the name of the pursuant of the criminals, since the *sīra*-tradition elsewhere narrates an episode prior to Badr in which Kurz, at the time not yet a follower of Muḥammad, himself successfully absconded away with a herd of the Muslims' camels. Kurz later

[268] Ṭabarānī, *Muʿjam*, 7:6 f. (no. 6223).

[269] Balādhurī, *Ansāb al-ashrāf*, 1:479 f., 484; Ibn ʿAbd al-Barr, *al-Istīʿāb fī maʿrifat al-aṣḥāb*, 4:1581 f., s.v. Yasār *mawlā rasūl Allāh*; Ibn Ḥajar, *al-Iṣāba fī tamyīz al-ṣaḥāba*, 3:628 f., s.v. Yasār al-Rāʿī (Ākhar); Ibn al-Athīr, *Usd al-ghāba fī maʿrifat al-ṣaḥāba*, 5:164. Though some other details are mentioned, e.g., that he was Nubian or Abyssinian, they seem mostly speculative inferring this from the widespread presence of slaves from Eastern Africa. See P. Crone, *Meccan Trade*, 80 f., 106 f.

[270] Ibn Ḥajar, *Lisān al-mīzān*, 2:88 f.; cf. idem, *Iṣāba*, 3:274, 628. Dhahabī marks his acceptance of Ṭabarānī with the annotation "*ṣaḥḥa*" in his *Mīzān*, 3:195.

appears among those hapless few Muslims who perished on the day of the relatively non-violent conquest of Mecca, but otherwise, he is little known as a *ṣaḥābī*. It seems reasonable to attribute the association of his name with these latter stories about the mendicant tribesmen as the product of a literary device pairing the two events: one in which he is an offender and another in which he pursues offenders of same crime.[271] Crone has argued that this literary device proves that both stories about Kurz are fabrications. However, in our analysis, these appear as secondary additions to, rather than the impetus for, the production of a foundational narrative of events undergirding these traditions.[272] If anything, this literary device demonstrates attempts to place ahistorical traditions in a linear, annalistic format that includes a context wider than the tradition itself. In order to do that, lacunae that exist within the narrative of the template of the traditions tend to be filled in for the sake of continuity. When lacunae exist they tend to upset the general narrative arch that these traditions form side by side, and thus the priority of filling in the missing information usually overrides concerns of authenticity inasmuch as such information provides an overall cohesion and coherence that the narrative would otherwise lack. Again, this is indicative of an *advanced* stage of the traditions' evolution, not the earliest.

Finally, the account of Wāqidī represents the apex of this method of combining and integrating the details of numerous variants of the Anas tradition. At the same time, Wāqidī can be observed integrating other sources clearly falling outside the discipline and vetting process of the *ḥadīth* – including, therefore, sources deemed by the *ḥadīth* scholars as dubious and unimportant. The phenomenon found in Wāqidī of there appearing a plethora of information that elsewhere appeared dearth and wanting is one which has been often observed and criticized.[273] However, the opinion that Wāqidī was himself a fabricator of vast amounts of information seems to run contrary to the evidence that we have available to us.[274] Wāqidī was dutifully criticized by the

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[271] Ibn ʿAbd al-Barr, *Istīʿāb*, 3:1310 f.; Ibn Ḥajar, *Iṣāba*, 3:274 f., s.v. Kurz ibn Jābir. On Kurz ibn Jābir's death, also see Bukhārī, *Ṣaḥīḥ, bāb al-maghāzī*, 2:851, (no. 4325).

[272] Crone, *Meccan Trade*, 228 f.

[273] E.g., see M. Cook, *Muḥammad*, 63 ff.

[274] See M. Lecker, "The death of the Prophet Muḥammad's father: did Wāqidī invent some of the evidence?" 9–27.

ḥadīth critics as well. The objections of the *ḥadīth* scholars seem to be, in fact, based primarily on their rejection of his, and other *akhbārī*s', methodology; as Dhahabī states, "he is among the most erudite scholars, but he is not well versed in *ḥadīth* [*huwa min awʿiyat al-ʿilm lakinnahu lā yutqinu l-ḥadīth*]."[275] Dhahabī's criticism here pertains to his usage of the prophetic tradition rather than knowledge thereof. Below, I have translated Wāqidī's much longer and extensive account in its entirety, placing most comments in the footnotes due to its length:[276]

> [p. 568] A Raiding Party, Its Leader Being Kurz ibn Jābir:
> *When the milch-camels of the Prophet were raided at Dhū l-Jadr, which is nearly eight miles from Medina,*[277] *in the month of Shawwāl, year six.*
>
> [p. 567] Khārija ibn ʿAbd Allāh[278] related to us from Yazīd ibn Rūmān,[279] he said:
> "A group of eight from ʿUrayna came to the Prophet and embraced Islam [*qadima nafar*[un] *min ʿurayna thamāniyyat*[un] *ʿalā l-nabī ṣlʿm fa-aslamū*]. They were stricken ill in Medina.[280] The Prophet gave an order for them (to go out) to his milch-camels. The pasturing livestock of the Muslims [*sarḥ al-muslimīn*] was in Dhū l-Jadr, so they were there until they regained their health and fattened out [*ḥattā ṣaḥḥū wa-saminū*].[281] They had sought his permission to drink from their milk and urine, so he permitted them. They went out to the camels in the morning [*fa-ghadaw ʿalā l-liqāḥ*] and herded them off. Then the *mawlā* of the Prophet reached them, a group being with him [*wa-maʿahu nafar*[un]], and he

[275] Dhahabī, *Tadhkirat al-ḥuffāẓ*, 1:254. Dhahabī also says elsewhere, that Wāqidī was "one of the most erudite of scholars despite his deficiency (in *ḥadīth*) [*aḥad awʿiyat al-ʿilm ʿalā ḍaʿfihi*]"; cf. *idem*, *Mīzān*, 3:662.

[276] Translated from Wāqidī, *Maghāzī*, 2:568–71.

[277] Ibn Saʿd notes that Dhū l-Jadr is "in the vicinity of Qubāʾ nearby ʿAyr, six miles from Medina [*nāhiyat Qubāʾ qarīb*[an] *min ʿAyr, ʿalā sittat amyāl min al-Madīna*]," *Ṭabaqāt*, 1:89.

[278] Medinan and Anṣārī, died 165/781–2, his veracity was questioned by the traditionists being considered *ḍaʿīf* by Ibn Ḥanbal and *ṣāliḥ* by Abū Ḥātim. See Ibn ʿAdī, *Kāmil*, 3:920 f.; Ibn Ḥajar, *Tahdhīb*, 3:76.

[279] Medinan and a *mawlā* of the Zubayrids, he died 130/747–8 and was known to transmit from both ʿUrwa ibn al-Zubayr and Anas ibn Mālik. Some of the transmitters of the Anas tradition also appear among his students, such as Jarīr ibn Ḥāzim and Ibn Isḥāq; see Ibn Ḥajar, *Tahdhīb*, 11:325.

[280] The work employed for stricken ill, "*istawbaʾū*", appears only here, in Ibn Saʿd (ibidem) and in Ibn Isḥāq (*Sīra*, 2:641).

[281] A phrase, "they regained their health and fattened out," is characteristic of the Wuhayb – Ayyūb – Abū Qilāba – Anas traditions, cf. sec. II.1.a. above and Bukhārī, *Ṣaḥīḥ*, *bāb al-jihād*, 2:584 (no. 3055).

battled against them [*fa-qātalahum*]. They took him. They cut off his hand and his foot and shoved spikes into his eyes and tongue until he died [*wa-gharazū l-shawk fī lisānihi wa-ʿaynayhi ḥattā māta*][282] and hurried off with the livestock [*bi-l-sarḥ*].

"A woman from Banū ʿAmr ibn ʿAwf made for a donkey of hers when she passed by Yasār under a tree. When she saw him and what had befallen him – for he had died – she returned to her folk and told them the news. They went out in the direction of Yasār until they found him dead at Qubāʾ.[283]

"The Prophet dispatched in their tracks twenty horsemen and placed Kurz ibn Jābir al-Fihrī as their leader [*wa-istaʿmala ʿalayhim Kurz ibn Jābir al-Fihrī*]. They went out in pursuit of them until nightfall came [*ḥattā adrakahum al-layl*]. At the lava-field, they spent the night. They awoke and went out early in the morning without knowing where they had set foot [*wa-aṣbaḥū wa-ightadaw wa-lā yadrūna ayna yaslukūna*].[284] When they came by a woman carrying the shoulder blade of a camel, they took her and said, 'What is this you have?' She said, 'I passed by some people that had slaughtered a camel, so they gave it to me.' They said, 'Where are they?' She said, 'They're by those uninhabited areas of the lava-field [*bi-tilka l-qifār min al-ḥarra*]. If you show up there [*idhā wāfaytum ʿalayhā*], you'll see their smoke.' They rode until they came to them at the place they had finished their food. They surrounded them, and they asked to be taken prisoners. So, they took all of them as prison-

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[282] A detail common to an *āḥād*-tradition likely put into circulation by Yazīd ibn Zurayʿ or his teacher, Sulaymān al-Taymī, and likely used by Ibn Isḥāq or one of his informants; cf. sec. II.4 and Muslim, *Ṣaḥīḥ, bāb al-qasāma*, 2:724 (no. 4453). It is here expanded to include nearly all the punishments meted out upon the criminals by Muḥammad.

[283] This section is entirely unique to Wāqidī in that it either drops the detail of a *ṣarīkh* passing on the information of what occurred to the Prophet or neglects to explicitly identify the woman with this *ṣarīkh*. This pericope ought to be viewed as an alternative expansion upon the literary seam falling between the actual murder and the moment when the news of the event reaches the Prophet found in the much less informed and laconic *ḥadīth* accounts. Hence, it serves as an expanded literary segue filling a narrative gap present in the original template. As has been observed throughout this essay, such literary seams have a propensity to be filled with all manner of embellishments, e.g., names and stories of persons involved, Anas relating how he personally watched the events transpire (see sec. II.3), the mutilation of the shepherd by the tribe, etc. This occurs again in Wāqidī's text in the anecdote about the woman with the shoulder blade of a camel who becomes instrumental for the horsemen in finding the tribe. The diversity of these expansions, again, points to a simple, laconic original that was strictly structured to facilitate memorization rather than a rich, complex narrative (in Wansbrough's idiom, an Arabian *Heilsgeschichte*) that was later refined into a streamlined, normative prophetic tradition.

[284] Note how the time closely intersects with the traditions transmitted on the authority of Ayyūb al-Sakhtiyānī (see sec. II.1.a.).

ers. Not one of them escaped. They tied them up and mounted them on the horses until they reached Medina. They found the Messenger of God at al-Ghāba and went out towards him."

Khārija said, Yazīd ibn Rūmān related to me from Anas ibn Mālik, [p. 570] he said:
"I went out following their tracks with the youths [*al-ghilmān*] until the Prophet met up with them in al-Zaghāba where the flood waters gather. He ordered for them that their hands and legs be cut off, their eyes be gouged out, and for them to be crucified there."[285] Anas said, "I stood watching them [*innī la-wāqif*^{un} *anẓuru ilayhim*]."[286]

Wāqidī said: Isḥāq[287] related to me from Ṣāliḥ, *mawlā* of al-Tawʾama,[288] from Abū Hurayra,[289] he said:
"When the Prophet cut the hands of the men with the milch-camels [*aṣḥāb al-liqāḥ*] as well as their feet and gouged out their eyes, this verse was revealed: 'The recompense for those who make war against God and his Prophet and spread corruption in the land is that they be killed or crucified or have their hands and feet cut off from opposite ends… etc.'" He said, "No eye was gouged after that [*fa-lam tusmal baʿda dhālika ʿayn*^{un}]."[290]

He said: Abū Jaʿfar[291] related to me from his father, from his grandfather, he said:
"The Messenger of God never cut a tongue and he did not gouge out an eye and he did not add to the cutting of the hand and the foot."

[285] As in the Ḥumayd tradition recorded by Ibn Wahb, *al-Muwaṭṭaʾ, k. al-muḥāraba*, 322 (fol. 2 verso); see sec. II.2. above.

[286] Similar to the Ḥammād ibn Salama – Qatāda – Anas tradition in which Anas states, "*I saw one of them* biting the earth with his mouth due to thirst (emphasis mine)," but without mentioning the biting of earth, which would be incongruent with the crucifixion; cf. sec. II.3 above and Ibn Ḥanbal, *Musnad*, 3:287.

[287] The identity of Isḥāq here is unclear.

[288] Medinan, died 125/742–3, he was considered to be *ḍaʿīf* by Mālik ibn Anas and his evaluation seems to have stuck despite Ibn Ḥanbal's assertion that Mālik only met him after he had become senile, "*kāna Mālik adrakahu wa-qad ikhtlaṭa*." Otherwise, Ibn Ḥanbal characterizes him as "*ṣāliḥ al-ḥadīth*." See Ibn Ḥajar, *Tahdhīb*, 4:405, s.v., Ṣāliḥ ibn Nabhān. See also Juynboll, *Muslim Tradition*, 43.

[289] Cf. ʿAbd al-Razzāq, *Muṣannaf*, 10:48 (no. 18541) where the full *matn* of the tradition is given, albeit worded slightly differently, with the *isnād* ʿAbd al-Razzāq – Ibrāhīm – Ṣāliḥ *mawla* of Tawʾama – Abū Hurayra; however, in this *matn*, the tribe of the group is not named ʿUrayna but, rather, Banū Fazāra.

[290] Or, "The Prophet abandoned the gouging out of eyes afterward [*taraka l-nabī ṣlʿm samla l-aʿyun baʿd*]" (ʿAbd al-Razzāq, op. cit.).

[291] The identity of this transmitter is obscure.

Ibn Abī Ḥabība[292] related to me from ʿAbd al-Raḥmān ibn ʿAbd al-Raḥmān,[293] he said:
"The *amīr* of the raiding party was Ibn Zayd al-Ashhalī."

Ibn Abī Sabra[294] related to me from Marwān ibn Abī Saʿīd ibn al-Muʿallā,[295] he said:
"When they took possession of the milch-camels, they put Salama ibn al-Akwaʿ[296] in charge of them [*khallafū bihā*] and the milch-camels were 15 in total [*kānat al-liqāḥ khamsa ʿasharata liqḥat*^{an} *ghizār*^{an}]. Then the Messenger of God came to Medina from al-Zaghāba and sat in the mosque, and, lo, the milch-camels were at the door of the mosque. The Messenger of God came out and gazed at them. One of his milch-camels from them had been lost [p. 571] named al-Ḥināʾ. He said, 'Oh Salama, where is al-Ḥināʾ?' He said, 'The group [*qawm*] slaughtered her, and they didn't slaughter any other.' Then the Messenger of God said, 'Look for a place you can graze them in.' He said, 'There isn't any place equal to Dhū l-Jadr.' He said, 'Then return them to Dhū l-Jadr.' And they remained there, and their milk was brought back to the Messenger of God each night, amounting to a skin full of milk [*waṭb*^{un} *min laban*]."

Ibn Abī Sabra said that Isḥāq ibn ʿAbd Allāh[297] related to him from one of the sons of Salama ibn al-Akwaʿ that he informed him that Salama ibn al-Akwaʿ informed him of a number of the twenty horsemen. He said, "(The horsemen included) myself, Abū Ruhm al-Ghifārī, Abū Dharr, Burayda ibn al-Khuṣayb, Rāfiʿ ibn Makīth, Jundub ibn Makīth, Bilāl ibn al-Hārith al-Muzanī, ʿAbd Allāh ibn ʿAmr ibn ʿAwf al-Muzanī, Juʿāl ibn Surāqa, Ṣafwān ibn Muʿaṭṭal, Abū Rawʿa Maʿbad ibn Khālid al-Juhanī, ʿAbd Allāh ibn Badr, Suwayd ibn Ṣakhr, Abū Ḍubays al-Juhanī.[298]

[292] Medinan, died 165/781–2; he is usually considered either *ḍaʿīf* or *ṣāliḥ* as well as being known for his weak memory and his writing down of *ḥadīth*; see Ibn ʿAdī, *Kāmil*, 1:235 f.; Mizzī, *Tahdhīb*, 2:42 ff.; Ibn Ḥajar, *Tahdhīb*, 1:104 f., s.v. Ibrāhīm ibn Ismāʿīl ibn Abī Ḥabība.

[293] I was unable to identify this figure from the prosopographical works.

[294] Medinan, died in Baghdād 162/778–9, considered *ḍaʿīf*; see Mizzī, *Tahdhīb*, 23:102 ff.; Ibn Ḥajar, *Tahdhīb*, 12:27 f., s.v. "Abū Bakr ibn ʿAbd Allāh ibn Muḥammad ibn Abī Sabra".

[295] Medinan and Anṣārī, also considered *ḍaʿīf* by Abū Ḥātim; see Mizzī, *Tahdhīb*, 27:397 f., s.v. Marwān ibn ʿUthmān ibn Abī Saʿīd; Ibn Ḥajar, *Tahdhīb*, 10:95.

[296] Allegedly also the source of Ṭabarānī's tradition transmitted via Muḥammad ibn Ṭalḥa al-Taymī (cf. *Muʿjam*, 7:6 f., no. 6223), the common link appearing also in the *isnād* of Ibn Isḥāq's tradition (*Sīra*, 2:640).

[297] Medinan, *mawlā* of the family of ʿUthmān ibn ʿAffān, died 144/761–2. He is nearly universally rejected and considered to be a weak transmitter of *ḥadīth*. See Ibn ʿAdī, *Kāmil*, 1:320–23; Mizzī, *Tahdhīb*, 2:446–54, s.v., Isḥāq ibn ʿAbd Allāh ibn Abī Farwa; Ibn Ḥajar, *Tahdhīb*, 1:240 ff.

[298] Not all persons are named; the list includes fourteen named men (counting Salama ibn al-Akwaʿ) in total.

IV. Summary and Conclusions

The Anas-tradition relating the story of the mendicant tribesmen can be traced back to Baṣra sometime near the last quarter of the first century A.H. in its earliest literary form. Inasmuch as as Anas ibn Mālik's pupils transmit its earliest forms, Anas is undeniably the common link for the tradition-complex. While the exact elements of this earliest Baṣran template cannot be reconstructed in its exact wording, a relative approximation of the contents of the original template as well as its narrative structure is readily at hand. In this template, one finds the following literary components: 1) a group from ʿUrayna/ʿUkl approaches the Prophet, 2) they become ill in Medina, 3) the Prophet sends the group out of Medina for a remedy, 4) the groups leaves Medina and drinks from the camels' urine and milk, 5) the group regain their health, 6) they kill the shepherd of the camels, 7) they herd the camels off, 8) the group is caught, 9) returned to the Prophet, 10) their feet and hands are cut off, 11) their eyes are poked out, and 12) they are left to die. As noted above, these literary components easily bifurcate into two narrative thrusts in every narration of the Anas-tradition; thus, the trend across transmission streams tends to add the elements of acceptance followed by betrayal/apostasy, which fit nicely into the bifurcated structure of the narrative. In such instances, these other two elements probably provided the moral and normative context for relating the story. Inasmuch as this topical concern provides the impetus for the *ḥadīth*'s genesis in Baṣra, we can consider it, therefore, to be integral to the template of the original tradition.

Regionally, this template spread both far and wide, and at times, some traditionists apparently made efforts to add to its pedigree or to embellish the contents of its narrative. In this secondary stage, the process of drawing more explicit legal rulings from the normative content of the tradition takes place. This can be seen in the template's integration with other sources of law and narrative – especially the Qurʾān and the legal doctrines on rebellion, theft, purity, murder, and apostasy. The traditions related on ʿUrwa and ʿĀʾisha's authority, as well as those transmissions derived therefrom, clearly show a predominantly Egyptian instance of this process, and the differences present in its narrative structure probably reflect a divergent legal outlook. But, this issue requires more investigation to substantiate definitively.

Yet, the Anas-tradition offers even further glimpses into the tradition history underlying the dissemination of the story encapsulated in

the original Baṣran template. As argued above, the *sīra*- and *maghāzī*-traditions represent the *akhbārī* expansion of the original *ḥadīth*-form of the template, which transpires in the early part of the mid-2nd century A.H., at a time when the original template had already morphed into a number of diverse permutations and had, as a result of their widespread dispersion, become available to communities of writing beyond the vale of the narrow, highly-personalized authority structure of the *ḥadīth*-specialists. Also characterizing this stage is the introduction of alternative sources of knowledge, such as oral and tribal traditions gathered perhaps from the inhabitants of Medina and its environs. The augmentation of the original template by such additional sources also characterizes the touchstone departure of the *akhbārī* scholars from the circumscribed scholarly circles of the traditionists. This process generally resulted in the development of an embellished narrative, arising from the gathering of diverse details form variant transmission streams of the Anas-tradition and from the perceived need to identify the names of the participants and to assign dates to the events depicted in the original story.

Such a process, as postulated here, is a progression, therefore, from relative simplicity (in the form a straightforward, laconic relation of a prophetic tradition) to a later, more complex form (as embodied in the more full-bodied *sīra*- and *maghāzī*-traditions). This is the complete inversion of Wansbrough's thesis that the historical tradition progressed from the pericope (*qiṣṣa*), to narrative (*sīra-maghāzī*), and then to the exemplary tradition (*ḥadīth*) – a process reflecting first the outworking of an Arabian *Heilsgeschichte* and then later a determination of its normative, juridical significance.[299] Wansbrough's error is rooted in the fact that he takes Ibn Isḥāq's *Sīra* as the launchpad for the Islamic-tradition as a whole. This view tends to turn the picture upside down. The tradition originates with *muḥaddith*s of late Umayyad period, not the *akhbārī*s. As it is very often the later who imitate the former, one should not underestimate the considerable and deeply rooted influence the traditionists exerted on all other genres of historical writing.[300] In agreement with the similar findings of Schoeler, Wansbrough's thesis is unsustainable in the light of

[299] Wansbrough, *Sectarian Milieu*, 75 f.
[300] See in particular, Donner, *Narratives*, 255 ff.

source-critical analysis, which itself shows the template, or ‘Grundform’, of the tradition to take the form of an ahistorical *ḥadīth*.[301]

The historicity of the narrative investigated in this essay will likely be judged positively or negatively based upon how seriously one takes the claims and aspirations of Muslims in the later part of the 1st century A.H. to preserve details about the life of Muḥammad and significance of his actions for their lives. Here, I believe, there is plenty of evidence to be optimistic that the conditions of the early Medinan community have been preserved. The picture is an austere and harsh one – one, moreover, where in the instance of a crime the line separating revenge from punishment is not easily discerned. But, it is also a picture not in the least contrary to the body of knowledge hitherto amassed by scholarship. The finer, richer details appearing in the works of *akhbārī*s such as Ibn Isḥāq and Wāqidī can be effectively evaluated by source-critical analysis, but the accuracy of the dates, the names recorded, be they persons or toponyms, and the other expansions from the original template are more problematic. An evaluation of these details evades, perhaps, the ‘vertical’ methods of source- critical analysis and requires a broader, ‘horizontal’ evaluation of the contents of multiple traditions. A great deal of preliminary work is required before such an evaluation can be undertaken.

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301 Schoeler, *Charakter und Authentie*, 142 f.

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